

# STATE OF NEW YORK

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7930--A

## IN SENATE

March 9, 2018

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Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 987 of the laws of 1971 amending the education law and the civil practice law and rules relating to the regulation and practice of certain professions; and to continue the dental society of the state of New York, in relation to membership in the New York state dental association

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5 of chapter 987 of the laws of 1971 amending the  
2 education law and the civil practice law and rules relating to the regu-  
3 lation and practice of certain professions; and to continue the dental  
4 society of the state of New York, as amended by chapter 278 of the laws  
5 of 2008, is amended to read as follows:

6 § 5. The Dental Society of the State of New York is continued and  
7 shall be renamed the New York State Dental Association and shall be  
8 composed of the members of the district and county societies. The state  
9 dental association shall annually meet on the second Wednesday of May,  
10 or at such other time and at such place as may be determined in the  
11 bylaws of the association or by resolution, at the preceding annual  
12 meeting. Twenty members shall be a quorum. A president, president-elect,  
13 vice-president, and secretary-treasurer shall be elected annually, and  
14 shall hold their office for one year, and until others shall be chosen  
15 in their places. The officers shall be elected by the directors of the  
16 association. The association may elect honorary members from any state  
17 or country not eligible to regular membership, who shall not be entitled  
18 to vote or hold any office in the association. Such association may  
19 purchase and hold real estate and personal estate for the purpose of its  
20 incorporation. The association shall have the power to make all needful  
21 bylaws not inconsistent with the laws of the state, for the management  
22 of its affairs and property and the admission and expulsion of members,  
23 including the authority to adopt any bylaws admitting or amending any

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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membership status of any persons, including licensed dentists and persons with dental degrees that qualify them for licensure, and allocating such members among district and county societies pursuant to such bylaws as determined by the association. Notwithstanding any provision of this section, determination regarding whether an individual who applies for licensure as a dentist in New York state meets the educational requirements for such licensure shall be at the sole discretion of the education department of the state of New York. Notwithstanding

any other provision of law, the directors of the association may, by a three-fourths vote, suspend or remove any director of the association, or by a two-thirds vote remove a district or county society as a component member. Notwithstanding any other provision of law, the time period for voting by the members of the association on any amendment to the constitution or bylaws of the association shall run from the date of giving written notice in any mailing or other publication by the association of any such amendment to the date of the commencement of the next regular meeting of the directors of the association.

§ 2. Subdivisions 1 and 2 of section 6 of chapter 987 of the laws of 1971 amending the education law and the civil practice law and rules relating to the regulation and practice of certain professions; and to continue the district dental societies of the state of New York, as amended by chapter 288 of the laws of 2017, are amended to read as follows:

1. The existing district dental societies are continued. In any judicial district in which a district dental society is not incorporated, fifteen or more dentists of such district authorized to practice dentistry in this state may become a district dental society of such district, by publishing a call for a meeting of the dentists of the district to be held at a time and place mentioned therein within the district, in at least one newspaper in each county of the district, at least once a week for at least four weeks immediately preceding the time when such meeting is to be held, and by meeting at the time and place specified in such notice with such dentists authorized to practice dentistry in the district as may respond to such call, and by making and filing with the secretary of the state dental association a certificate, to be executed and acknowledged by the dentists so meeting, or by at least fifteen of them, which shall set forth that such meeting has been held pursuant to such notice, the corporate name of the society, which shall be the district dental society of the judicial district where located, the names and places of residence of the officers of the society for the first year, or until the first annual meeting, which officers shall be a president, vice-president, secretary and treasurer, the time and place of the annual meeting of the society and the general objects and purposes of the association. Thereupon the persons executing such certificate and all other dentists in good standing and authorized to practice dentistry in such district, and persons with dental degrees that qualify them for licensure, who shall subscribe to its bylaws, shall be a corporation by the name expressed in such certificate. Every licensed and registered dentist, and persons with dental degrees that qualify them for licensure, in the judicial district in which such a society is formed, shall be eligible to membership in the district society of the district in which he or she resides or practices dentistry, except if such dentist resides or practices dentistry in a county in which a county dental society is formed in the manner hereinafter provided, he or she shall be eligible to membership in such county society; provided, however, that after September 1, 1990 any licensed and

1 registered dentist who is not a member of the state dental association  
2 shall be eligible for membership only in the district or county society  
3 in which he or she maintains his or her primary practice. Any member of  
4 a district or county dental society who has been a member of such  
5 district or county dental society continuously since January first,  
6 nineteen hundred seventy-seven, may maintain his or her membership in  
7 that district or county dental society notwithstanding where such member  
8 resides or practices dentistry. The dental societies of the respective  
9 districts of the state shall have power to make all necessary bylaws not  
10 inconsistent with the laws of this state for the management of their  
11 affairs and property and the admission and expulsion of members; provid-  
12 ing that no bylaw of any district society shall be repugnant to or  
13 inconsistent with the bylaws of the state association. Twenty members or  
14 ten percent of the total membership entitled to vote, whichever is less,  
15 shall be a quorum. Such societies may purchase and hold real and  
16 personal property for the purposes of their incorporation.

17 2. Notwithstanding the provisions of this section or any other law or  
18 rule to the contrary, a county dental society may be formed if applica-  
19 tion by fifteen or more dentists of a county or fifteen or more  
20 dentists from each of contiguous counties, or fifty percent or more of  
21 the dentists in a county or from each contiguous county with fewer than  
22 thirty dentists is approved by the governing body of the New York State  
23 Dental Association. Every licensed and registered dentist, and persons  
24 with dental degrees that qualify them for licensure, who resides or  
25 practices dentistry within the geographic area in which such a county  
26 society is formed shall be eligible to membership in such society;  
27 provided, however, that after September 1, 1990, any licensed and regis-  
28 tered dentist who is not a member of the state dental association shall  
29 be eligible for membership only in the county society in which he or she  
30 maintains his or her primary practice. Any member of a district or coun-  
31 ty dental society who has been a member of such district or county  
32 dental society continuously since January first, nineteen hundred seven-  
33 ty-seven, may maintain his or her membership in that district or county  
34 dental society notwithstanding where such member resides or practices  
35 dentistry. Such county dental societies shall have the same powers,  
36 duties and quorum requirements as district dental societies.

37 § 3. This act shall take effect immediately.