STATE OF NEW YORK

9108

IN SENATE

June 18, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to enacting the orthodontic specialty consumer protection act

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

Section 1. Short title. This act shall be known and may be cited as the "orthodontic specialty consumer protection act".

§ 2. The education law is amended by adding a new section 6614 to read as follows:

§ 6614. Special provisions regarding orthodontic cosmetic dentistry. 1. As used in this section, the term "cosmetic dental procedure" shall mean certain dental procedures including dental implants, porcelain crowns, dental bonding, porcelain veneers, teeth whitening, tooth-colored fillings and full and partial dentures.

2. (a) Every licensed dental procedures entity who performs any cosmetic dental procedure, shall certify to the department annually that any such procedures are performed in compliance with the standards of care prescribed by the American dental association. The timing and manner of such certification shall be determined by the department.

(b) The department is authorized to investigate any allegation of non-compliance with the provisions of paragraph (a) of this subdivision and may revoke the operating license of any such entity that has been found to be non-compliant in more than two instances.

3. No agreement between a licensed dental procedures entity or a licensed dentist and a patient for the performance of a cosmetic dental procedure shall include an arbitration clause.

4. A licensed dental procedures entity or a licensed dentist shall provide a notice to a patient receiving a cosmetic dental procedure, such notice shall (a) be required to be provided on a separate page, (b) be signed by such patient and such licensed dentist or an authorized representative of such dentist, and (c) include the following text in bold printed font size forty-eight or greater:

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

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"WARNING:
Without an x-ray at start of this treatment and a mid-treatment x-ray, this procedure can lead to irreversible damage that can worsen your current dental condition."

§ 3. This act shall take effect immediately and apply to contracts executed on and after such date.