

# STATE OF NEW YORK

6477

2019-2020 Regular Sessions

## IN SENATE

June 13, 2019

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 tele-dentistry consumer protection act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "orthodontic tele-dentistry consumer protection act".

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

5 § 6614. Special provisions regarding orthodontic tele-dentistry. 1. As  
6 used in this section, the term "orthodontic tele-dentistry" shall mean  
7 dental procedures including clear aligners in mail dental treatment,  
8 plastic aligner dental movements to straighten teeth without office  
9 visits conducted through pictures or videos without hands on clinical  
10 supervision by a licensed New York state dentist.

11 2. (a) Every licensed dentist who performs or approves orthodontic  
12 tele-dentistry treatment, shall certify to the department annually that  
13 any such procedures are performed in compliance with the standards of  
14 care prescribed by the American dental association. The timing and  
15 manner of such certification shall be determined by the department.

16 (b) The department is authorized to investigate any allegation of  
17 non-compliance with the provisions of paragraph (a) of this subdivision  
18 and may revoke or place on probation the license of a dentist who has  
19 been found to be non-compliant in more than two instances.

20 3. No agreement between a licensed dentist and a patient for the  
21 performance of an orthodontic dental treatment shall include an arbi-  
22 tration clause.

23 4. A licensed dentist shall provide a notice to all patients receiving  
24 orthodontic tele-dentistry, such notice shall (a) be required to be  
25 provided on a separate page, (b) be signed by such patients and such

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

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1 licensed dentist or an authorized representative of such dentist, and  
2 (c) include the following text in bold printed font size forty-eight or  
3 greater:

4 "WARNING:

5 Without a pre-treatment x-ray evaluated by the treating dentist at the  
6 start of this treatment and at the end of this treatment, this procedure  
7 can lead to irreversible damage that can worsen your current dental  
8 condition."

9 "WARNING:

10 Tele-dentistry movements shown for clear aligner treatment and approved  
11 by a licensed dentist prior to treatment may not reflect your final  
12 results. Without clinical supervision before, during and after treatment  
13 the results can lead to irreversible damage that includes early loss or  
14 loosening of teeth, TMJ disorders, traumatic bites, fractured teeth and  
15 periodontal bone loss."

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