



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents
FROM: Sarah S. Benson *Sarah S. Benson*
SUBJECT: Report of the Committee on the Professions Regarding Licensing Petitions
DATE: October 8, 2020
AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents approve the recommendations of the Committee on the Professions pertaining to licensing petitions and degree conferrals as listed on the attachment?

Reason(s) for Consideration

Required by State Statute.

Proposed Handling

This issue will come before the Full Board for action at its October 2020 meeting.

Procedural History

Section 6506(5) of the Education Law and Section 24.7 of the Rules of the Board of Regents authorize the Regents to waive education, experience and examination requirements for a professional license as well as to confer the degree Doctor of Medicine.

Background Information

There are three licensing petitions for review and determination.

Related Regents Items

Not applicable.

Recommendation

It is recommended that the Board of Regents approve the recommendations of the Committee on the Professions regarding the licensing petitions.

Timetable for Implementation

Approval of the Committee on the Professions' recommendations will be effective, October 20, 2020.

Cases Presented to Board of Regents on October 20, 2020

SUMMARY REPORT

PROFESSION	EDUCATION			EXAMINATION		Experience	Confer Degree Doctor of Medicine	Three-Year Limited License
	Pre- Professional	Professional	Post- Graduate	Proficiency	Licensing			
Architecture					20-01-03			
Optometry				20-02-56				
Medicine					20-110-60			
OTHER:						Total for fiscal year to date: 90 Total for calendar year to date: 139		

October 20, 2020

ARCHITECTURE

20-01-03

Alan Cuteri

Pittsburgh, Pennsylvania

Petition for: Waiver of New York State requirements for licensing examination based on evidence that the requirements have been substantially met.

Statement of Problem: Education Law §6506(5) states that the Board of Regents, in supervising the admission to and practice of the professions, may waive education, experience, and examination requirements for a professional license prescribed in the article relating to the profession; provided that the Regents are satisfied that the requirements have been substantially met. The petitioner is a graduate of a professionally accredited architecture program who has applied for licensure in New York. He earned the professional Bachelor of Architecture degree in 1981 from the Carnegie Mellon University and has substantial documented licensed experience in other states.

Examination requirements for licensure as an architect in New York have changed over time. Since 2018, candidates must have passed the six-division Architect Registration Examination (ARE). Between the years of 1983-2009, the ARE consisted of nine divisions. Prior to 1983, the exams were classified into two sections, referred to as the Professional Examination (PE) and the Qualifying Test (QT). In 1982, the petitioner took and passed all four divisions of the PE. He did not attempt the QT. The petitioner took and passed seven of the nine divisions of the ARE between 1982 and 1986. Those seven divisions, plus the PE exam, which substituted for one additional section of the ARE, were the only divisions required for licensure in his home state of Pennsylvania. Had he been a licensure candidate in New York State, he would have also needed to take the Pre-Design division of the ARE.

The petitioner does not meet endorsement regulations as stipulated in regulation; therefore, an examination waiver of the single Pre-Design division of the ARE is sought. Because the exam format has changed, should this single division not be waived, Mr. Cuteri would be required to take all divisions of the ARE to be considered for licensure in NYS at this time. The petitioner satisfied the examination requirement in his initial state of licensure and has been licensed in Pennsylvania for the last 36 years. He additionally holds Architecture licensure in California, Florida, Ohio, New Jersey, Virginia, and West Virginia. He has extensive professional practice satisfactory to the State Board, with over 20 years at Strada Architecture LLC, the petitioner's company. He has led multiple award-winning projects and is the founding Principal of Strada LLC, leading a fifty-person firm that is headquartered in two cities in Pennsylvania and which completes \$100 million in projects each year.

The Executive Secretary of the State Board for Architecture recommends that the examination requirement be considered satisfied, since the above information illustrates evidence of competence within the profession and substantial equivalence of the required examination competencies and requirements.

The COP concurs that the petitioner's credentials in other states, his qualifications and uniquely extensive work history are such as to allow the COP to recommend that the Board of Regents waiver of New York State requirements for licensing examination based on evidence that the requirements have been substantially met.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
§7304 of Education Law and Part 69 of the Regulations of the Commissioner of Education. §6506 of Education Law pertaining to the Regents authority to waive examination requirements.	
(1) Approved professional architecture degree.	(1) Carnegie Mellon University, Bachelor of Architecture (B.Arch.), 1981.
(2) At least three years of experience satisfactory to the Board in appropriate architectural work and of sufficient amount so that the combined credited college study and experience total eight years.	(2) 36 years licensed practice in architecture.
(3) Acceptable scores on a satisfactory licensing examination.	(3) See Statement of Problem.
(4) be at least 21 years of age.	(4) Candidate is over 21 years of age.
(5) Evidence of good moral character.	(5) Good moral character.

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Architecture, recommends that the applicant's petition to waive the examination requirements pursuant to E.L. §6506 be accepted.

OPTOMETRY

20-02-56

Ralph Bourjolly
Weston, FL 33326

(New England College of Optometry, Boston, Massachusetts, O.D., 1990)

Petition for: Waiver of New York State practical examination requirement.

Statement of Problem: Dr. Bourjolly has not passed a satisfactory practical examination as required for licensure either by the endorsement or examination route. New York State accepts a passing score on Part III of the National Board of Examiners in Optometry (NBEO) examination to satisfy the practical examination requirement. The NBEO practical examination was not available when Dr. Bourjolly was licensed in Florida in 1993. Instead, Florida required its own practical exam, which Dr. Bourjolly passed.

Dr. Bourjolly has documented over 15 years of licensed practice in Florida.

Based on Dr. Bourjolly's successful passage of the FL state practical examination and demonstration of clinical skills through his years of hands-on licensed practice, the Executive Secretary of the State Board for Optometry recommends that the requirement for a satisfactory practical examination (NBEO Part III) be considered satisfied.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Section 7104 of the Education Law and Part 66 of the Regulations of the Commissioner of Education	
(1) Approved Doctor of Optometry degree or the equivalent earned on completion of an acceptable optometry program.	(1) New England College of Optometry, Boston, Massachusetts, Doctor of Optometry, May 1990.
(2) Acceptable scores on a satisfactory written licensing examination; OR an optometry license issued by another jurisdiction with at least five years of professional practice of optometry following initial licensure and within the 10 years immediately preceding application for licensure by endorsement	(2)(a) Passed National Board of Examiners in Optometry (NBEO) Basic Science part, April 1992 and Clinical Science part, August 1990 (2)(b) Licensed in Florida, October 1993; over 15 years of professional practice.
(3) Acceptable scores on a satisfactory practical examination.	(3) See Statement of Problem.
(4) Evidence of good moral character.	(4) Evidence of good moral character.

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Optometry, recommends that the Part III practical examination be considered satisfied.

MEDICINE

20-110-60

Fernando Santini
Sao Paulo, Brazil

(Universidade Federal do Rio de Janeiro, Rio de Janeiro, Brazil, Physician, January 2006)

Petition for: Endorsement of his medical license from Brazil.

Statement of Problem: Commissioner's Regulations allow endorsement of an applicant's license from another jurisdiction if appropriate requirements are met, and the applicant has not failed any part of New York State's licensing examination. A license granted in a foreign country can be endorsed if licensure in that country is regulated by an organization designated as responsible for quality assurance and acceptable to the Board of Regents. Additionally, the applicant must satisfactorily demonstrate completion of an acceptable proficiency examination, clinical competency examination, three years of American Council on Graduate Medical Education (ACGME) accredited postgraduate training or the equivalent, and five years of satisfactory professional experience.

Representatives from the State Board for Medicine have reviewed the documentation submitted in support of Dr. Santini's application. The Executive Secretary of the State Board for Medicine recommends that Dr. Santini's Post Graduate training in the United States and in Brazil between February 2006 and June 2017 be accepted as the substantial equivalent of the three years of ACGME-accredited postgraduate training required for licensure.

Commissioner's Regulations allow the Board of Regents to accept appropriate foreign medical licenses and diplomate certificates to fulfill the licensure, proficiency, and clinical competency requirements for licensure by endorsement. Dr. Santini obtained his medical license in Brazil in March 2006. His Brazilian license is active and in good standing. Dr. Santini holds Board Certification in Oncology from the Brazilian Medical Oncology Board, issued October 2015. He also holds ECFMG certification.

The Executive Secretary of the State Board for Medicine recommends that Dr. Santini's Brazilian license be endorsed, and his ECFMG Certification and Board Certification be accepted to fulfill the proficiency examination and the clinical competency requirements for endorsement.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Sections 60.1 and 60.5 of the Commissioner's Regulations require:	
(1) Six years of postsecondary education, including at least 32 months of medical education.	(1) Universidade Federal do Rio de Janeiro, Rio de Janeiro, Brazil, Physician, January 2006.
(2) Proficiency examination.	(2) Board Certification in Oncology, Brazilian Medical Oncology Board, October 2015.
(3) Three years of approved	(3) (a) Residency in Internal Medicine at University of Sao Paulo in Sao Paulo,

postgraduate hospital training.	<p>Brazil from February 2006 through January 2008.</p> <p>(b) Residency in Hematology and Hemotherapy at University of Sao Paulo in Sao Paulo, Brazil from February 2008 through January 2010.</p> <p>(c) Fellowship in Clinical Oncology at Hospital Sirio-Libanês in Sao Paulo, Brazil from February 2011 through January 2014.</p> <p>(d) Advanced Oncology Fellowship at Memorial Sloan Kettering Cancer Center in New York, New York from July 2016 through June 2017.</p>
(4) Appropriate medical license or certificate.	(4) Brazilian license, Conselho Regional de Medicina do Estado de Sao Paulo, License 123095, Issued March 2006.
(5) Acceptable scores on a clinical competency examination acceptable to the Department.	(5) ECFMG Certification
(6) Not less than five years of satisfactory professional experience.	(6) Over seven years of satisfactory professional experience.
(7) United States citizen or alien lawfully admitted for permanent resident status in the United States.	(7)
(8) Evidence of good moral character.	(8)
(9) Course in the identification of child abuse and maltreatment.	(9)

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Medicine, recommends that the applicant's qualifications be accepted to fulfill the requirements for licensure by endorsement.