



TO: The Honorable the Members of the Board of Regents

FROM: Douglas E. Lentivech

SUBJECT: Proposed Amendment of section 60.2 of the Regulations of the Commissioner of Education Relating to the Advisory Committee on Long-Term Clinical Clerkships

DATE: December 9, 2013

AUTHORIZATION(S):

SUMMARY

Issue for Consent Agenda

Should the Board of Regents amend paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education relating to the composition of the Advisory Committee on Long-Term Clinical Clerkships?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

This proposed amendment is presented to the Board of Regents for adoption as a permanent rule at the December 2013 meeting of the Board of Regents. In addition, a second emergency adoption is necessary to ensure the emergency rule adopted at the September Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule. A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached.

Procedural History

The proposed amendment was adopted as an emergency rule at the September 2013 Regents meeting, effective September 24, 2013. A Notice of Emergency Adoption and Proposed Rule Making regarding the proposed amendment was published in the

State Register on October 9, 2013. No public comment was received. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

At its meeting in February 2011, the Board of Regents approved a plan for the establishment of an advisory committee on clinical clerkships in medicine. To implement that plan, subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education was adopted, as an emergency measure, by the Board of Regents at its April 2011 and June 2011 meetings. It was adopted as a permanent rule at the July 2011 Regents meeting.

Subdivision (f) of section 60.2 of the Regulations of the Commissioner created the Advisory Committee on Long-Term Clinical Clerkships, established the composition of the Committee, set the terms of the Committee members, defined the duties of the Committee, and established the procedure for consideration of the Committee's recommendations by the Department and the Board of Regents. The duties of the Committee include:

- recommending standards and procedures for the approval of international medical schools to place students in long-term clinical clerkships;
- appointing appropriate site review teams in connection with applications for such approval; and
- issuing reports and recommendations on such applications.

Paragraph (2) of subdivision (f) of section 60.2 of the Commissioner's regulations specifies the composition of the Advisory Committee to include;

- one member of the Board of Regents;
- the Chairperson and the Executive Secretary of the State Board for Medicine;
- two physicians experienced in the evaluation of medical education programs; and
- representatives of:
 - the Department of Health;
 - international medical schools that have been approved to place students in New York clinical clerkships;
 - New York State registered medical schools; and
 - hospitals that serve as clinical clerkship sites.

The members of the Committee are appointed by the Chancellor of the Board of Regents, upon consultation with the Board.

The proposed amendment would increase from one to two the number of Regents sitting on the Committee and would authorize the Chancellor to appoint

additional Committee members, upon consultation with the Board. As the Board of Regents makes the final determinations regarding the standards and processes to be followed in reviewing applications for approval to place students in long-term clinical clerkships and also makes the final determinations on such applications, the process would benefit from having an additional Regent serving on the Committee. Authorizing the Chancellor to appoint additional appropriate Committee members would create greater flexibility in providing the Committee with the expertise needed to address issues that arise in its work or that are assigned to it by the Department or the Board of Regents.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 31, 2013; and it is further

VOTED: That paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 23, 2013, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare in order to ensure that the emergency rule adopted at the September 16-17, 2013 Regents meeting remains continuously in effect until the effective date of the rule's permanent adoption.

Timetable for Implementation

The proposed amendment was adopted as an emergency rule at the September Regents meeting, effective September 24, 2013 and will expire December 22, 2013. If adopted at the December Regents meeting, the permanent rule will become effective on December 31, 2013 and the emergency rule will become effective on December 23, 2013.

8 NYCRR §60.2

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment would increase from one to two the number of Regents sitting on the Advisory Committee on Long-Term Clinical Clerkships and would authorize the Chancellor of the Board of Regents to appoint additional Advisory Committee members, upon consultation with the Board of Regents, and to remove and replace members who have been absent for three or more consecutive Committee meetings.

The proposed amendment was adopted as an emergency action at the September 16-17, 2013 Regents meeting, effective September 24, 2013, and has now been adopted as a permanent rule at the December 16-17, 2013 Regents meeting. Pursuant to SAPA §203(1), the earliest effective date of the permanent rule is December 31, 2013, the date a Notice of Adoption will be published in the State Register. However, the September emergency rule will expire on December 22, 2013, 90 days after its filing with the Department of State on September 24, 2013. A lapse in the rule's effective date could disrupt the functioning of the Advisory Committee on Long-Term Clinical Clerkships, as it is important to ensure the uninterrupted authority of all Advisory Committee members to participate in the work of the Committee.

Emergency action is therefore necessary for the preservation of the public health and general welfare to ensure that the proposed rule adopted by emergency action at the September Regents meeting, and adopted as a permanent rule at the December Regents meeting, remains continuously in effect until the effective date of its permanent adoption.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6501, 6504, and 6507 of the Education Law

Paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education is amended, effective December 31, 2013, as follows:

(2) Composition of the committee. The committee shall consist of:

(i) [one member] two members of the Board of Regents, [who will] one of whom shall be designated by the chancellor to serve as co-chair of the committee along with the chairperson of the State Board for Medicine;

(ii) ...

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) two representatives of medical schools registered in New York State; [and]

(viii) two representatives from hospitals that serve as sites for clinical clerkships in New York State;

(ix) such other members as the chancellor, upon consultation with the Board of Regents, may appoint; and

(x) the chancellor may remove a member who fails to attend three or more consecutive meetings, and upon such removal shall appoint a replacement member.

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