



**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: Douglas E. Lentivech 

SUBJECT: Report of the Committee on the Professions Regarding
Licensing Petitions

DATE: April 25, 2019

AUTHORIZATION(S): 

SUMMARY

Issue for Consent Agenda

Should the Regents approve the recommendations of the Committee on the Professions pertaining to licensing petition as listed on the attachment?

Reason(s) for Consideration

Required by State Statute.

Proposed Handling

This question will come before the full board at its May 7, 2019 meeting where it will be voted on and action taken.

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 four licensing petitions and ten requests for the conferral of the degree Doctor of Medicine for review and approval.

Recommendation

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

Timetable for Implementation

Approval of the Committee on the Professions' recommendations will be effective, May 7, 2019.

Cases Presented to Board of Regents on May 7, 2019

SUMMARY REPORT

PROFESSION	EDUCATION			EXAMINATION		Experience	Confer Degree Doctor of Medicine	Three-Year Limited License
	Pre- Professional	Professional	Post- Graduate	Proficiency	Licensing			
Certified Public Accountancy					19-08-07 to 19-10-07			
Dentistry	19-02-50	19-02-50						
Medicine							19-58-60C to 19-67-60C	
OTHER:						Total for fiscal year to date: 30 Total for calendar year to date: 86		

Board of Regents: May 7, 2019

CERTIFIED PUBLIC ACCOUNTANCY

19-08-07

Aaron Chadow

(CUNY Queens College, Flushing, New York, Bachelor of Arts, August 2016 and Master's, June 2017 – education submitted by NASBA).

Petition for: Waiver of 18-month conditioning requirement for CPA Examination.

Statement of Problem: Mr. Chadow is an applicant for licensure as a CPA and recently passed all four parts of the Uniform CPA Examination. However, he exceeded the 18-month conditioning period by one testing window.

Mr. Chadow passed the Business Environment and Concepts (BEC) section of the Examination in March 2017 and was required to pass all the parts of the Examination by September 30, 2018. He then passed Regulation (REG) in January 2018, after one previous failed attempt and on his third attempt, passed Financial Accounting and Reporting (FAR) in August 2018. Mr. Chadow sat for Auditing and Attestation (AUD) four times during his conditioning period (August and November 2017 and April and September 2018), but he was not successful in passing the AUD section of the Examination. He passed AUD on his fifth attempt in November 2018, two months or one testing window outside his conditioning period.

Mr. Chadow contacted the State Board for Public Accountancy in March 2018 to petition for waiver of the 18-month requirement due to the 2017 Quarter 2 score release delay; however, he was told that he could not use this as a basis as he did not sit during Quarter 2 of 2017. Mr. Chadow also requests a waiver petition based on the testing site closure in March 2018 due to the weather event in the Northeast on March 7, 2018; however, his conditioning period did not end until September 2018 and he sat for AUD after March 2018 within his conditioning period in April and September 2018 as noted above.

Mr. Chadow's position is that he wants a waiver due to the March 2018 testing site closure. He asserts that he lost an opportunity to take the AUD exam due to the March 2018 test site closure, thus having only two more opportunities within the 18-month conditioning period instead of three as he had originally planned for. However, the Executive Secretary of the State Board for Public Accountancy notes that there is not compelling evidence to support the applicant's assertion that a test center closure in March 2018 prevented him from passing all exams by September 2018 as there were a number of opportunities and attempts to pass the exam beyond the March 2018 exam date. As such, the Executive Secretary recommends disapproval of the petition.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Section 7404 of Education Law and Part 70 of the Commissioner's Regulations require:	
(1) A bachelor's or higher degree based on a program in accountancy.	CUNY Queens College, Flushing, New York, Bachelor of Arts, August 2016 and Master's, June 2017 – education submitted by NASBA.
(2) Passing scores on the Uniform CPA Examination.	<p>(2)(a) March 2017: Business Environment and Concepts (passing score).</p> <p>(2)(b) December 2017: Regulation (failing score); January 2018 (passing score).</p> <p>(2)(c) January 2017 and June 2018: Financial Accounting and Reporting (failing scores); June 2018 (passing score).</p> <p>(2)(d) August and November 2017 and April and September 2018: Auditing and Attestation (failing scores); November 2018 (passing score).</p>
(3) One year of satisfactory experience.	(3)

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Public Accountancy, recommends that the applicant's petition for acceptance of passing grades on the Uniform CPA Examination be denied.

CERTIFIED PUBLIC ACCOUNTANCY

19-09-07

Kyle Manske

(University of Wisconsin-Whitewater, Whitewater, WI, Bachelor of Business Administration, May 2015)

Petition for: Acceptance of passing grades on the Uniform Certified Public Accountancy Examination.

Statement of Problem: Mr. Manske is requesting a petition for the requirement of the 18-month conditioning period to extend the testing period by two testing windows.

Mr. Manske passed the Business Environment and Concepts (BEC) section of the Examination in May 2015 and was required to pass all the parts of the Examination by December 31, 2016. Mr. Manske passed Regulation (REG) in February 2016 within the 18-month conditioning period on his third attempt. Mr. Manske did not pass the Financial Accounting and Reporting (FAR) or the Auditing and Attestation (AUD) sections of the Examination within the 18-month conditioning period. Mr. Manske passed FAR on his second attempt in January 2017 which was one testing window outside the 18-month conditioning period. Mr. Manske passed AUD on his third attempt in May 2017 which was two testing windows outside the 18-month conditioning period.

Mr. Manske applied for and received a reasonable accommodation from the testing vendor for each sitting of the Examination. Based on the letter from the testing vendor his reasonable accommodation was 1.5 times the Examination time; however, an error was made that resulted in him receiving more time (2.0 times the Examination time).

Mr. Manske reports that his ability to properly prepare and sit for the Examination was impeded by a condition that pre-dated and existed during and after his 18-month conditioning period. In terms of documentation submitted for his waiver, Mr. Manske provided a report from a licensed professional dated June 2018 for an evaluation in January and February 2018. This documentation also references that the only prior evaluation for which documentation was provided to the licensed professional was from 2009. However, COP notes that subsequent documentation submitted by Mr. Manske's health care provider attests to the fact that his condition was significant enough to affect his ability to prepare and sit for the examination.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Section 7404 of Education Law and Part 70 of the Commissioner's Regulations require:	
(1) A bachelor's or higher degree based on a program in accountancy.	(1) University of Wisconsin-Whitewater, Whitewater, WI, Bachelor of Business Administration, May 2015.
(2) Passing scores on the Uniform CPA Examination.	<p>(2)(a) May 2015: Business Environment and Concepts (passing score).</p> <p>(2)(b) August and November 2015: Regulation (failing scores); February 2016 (passing score).</p> <p>(2)(c) November 2016: Financial Accounting and Reporting (failing score); January 2017 (passing score).</p> <p>(2)(d) July 2016 and March 2017: Auditing and Attestation (failing scores); May 2017 (passing score).</p>
(3) One year of satisfactory experience.	(3)

RECOMMENDATION: The Committee on the Professions recommends that the applicant's petition for acceptance of passing grades on the Uniform CPA Examination be accepted.

CERTIFIED PUBLIC ACCOUNTANCY

19-10-07

Marissa Sarfati

Petition for: Acceptance of passing grades on the Uniform Certified Public Accountancy Examination.

Statement of Problem: Ms. Sarfati, an applicant for licensure as a CPA, recently passed the four parts of the Uniform CPA Examination. However, the applicant exceeded the 18-month conditioning requirement by three months or one testing window.

Ms. Sarfati passed the Business Environment and Concepts (BEC) section on her second attempt in January 2017 and needed to pass the three remaining sections by September 30, 2018. During her conditioning period, Ms. Sarfati passed Auditing and Attestation (AUD) after her second attempt in May 2017. The applicant also passed the Regulation (REG) section of the Examination on the first attempt in December 2017. Ms. Sarfati sat for the last section of the Examination, Financial Accounting and Reporting (FAR) two times during her conditioning period in June and September 2018, but she failed. The applicant passed FAR on her third attempt in December 2018, one testing window outside of her conditioning period.

Ms. Sarfati's ability to properly prepare and sit for the Examination was impeded by the death of a family member and a medical condition of another family member, for whom she acted as the primary care giver, during her conditioning period.

Based on documentation provided by the applicant and the physician who attended to Ms. Sarfati's family member and her perseverance on the various sections of the Examination, despite these circumstances, the Executive Secretary of the State Board for Public Accountancy supports her petition to waive the 18-month requirement to pass all four parts of the Uniform CPA Examination.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Section 7404 of Education Law and Part 70 of the Commissioner's Regulations require:	
(1) A bachelor's or higher degree based on a program in accountancy.	Binghamton University, SUNY, Binghamton, New York, Master of Science, May 2017.
(2) Passing scores on the Uniform CPA Examination.	<p>(2)(a) November 2016: Business Environment and Concepts (failing score); January 2017 (passing score).</p> <p>(2)(b) March 2017: Auditing and Attestation (failing score); May 2017 (passing score).</p> <p>(2)(c) December 2017: Regulation (passing score).</p> <p>(2)(d) June and September 2018: Financial Accounting and Reporting (failing scores); December 2018 (passing score).</p>
(3) One year of satisfactory experience.	(3)

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Public Accountancy, recommends that the applicant's petition for acceptance of passing grades on the Uniform CPA Examination be accepted.

DENTISTRY

19-02-50

Carlos Loureiro Xavier
Rochester, NY

(University of Fortaleza, Fortaleza, Brazil, Bachelor of Dental Surgery, December 2006)

Petition for: Acceptance of education.

Statement of Problem: Regulations of the Commissioner require an applicant for licensure in dentistry to complete an acceptable preprofessional education program of at least two years in length (including courses in general chemistry, organic chemistry, biology or zoology, and physics) and an acceptable professional dental education program of at least four years in length, for a total of six years of preprofessional and professional education.

Dr. Loureiro Xavier completed a five-year professional dental education program at University of Fortaleza in Fortaleza, Brazil, which did not include coursework in Physics. Therefore, he lacks one year of education which is in the preprofessional area, including a course in Physics.

However, Dr. Loureiro Xavier also completed two years of advanced study in Dental Prosthesis from June 2007 until May 2009 at Sao Leopoldo Mandic in Fortaleza, Brazil.

Additionally, an applicant who completed a program of dental education in an unregistered or unaccredited dental school must complete the required two academic years of study in an accredited dental school program, culminating in certification that the applicant has achieved the level of knowledge and clinical proficiency expected of a graduate of that school. Dr. Loureiro Xavier enrolled in the two-year advanced Education in General Dentistry at the Eastman Institute for Oral Health of the University of Rochester and completed the program in June 2018. This program is acknowledged by the State Board for Dentistry as the substantial equivalent of the two-year program required in Regulation.

APPLICABLE REQUIREMENTS:	QUALIFICATIONS:
Section 61 of the Regulations of the Commissioner of Education and §24.3(a)(2) of the Rules of the Board of Regents	
(1) Not less than 60 semester hours of preprofessional education including courses in general chemistry, organic chemistry, biology or zoology, and physics.	(1) Two years of advanced study in Dental Prothesis at Sao Leopoldo Mandic, Fortaleza, Brazil from June 2007 until May 2009.
(2) Four academic years of dental education culminating in a degree in an acceptable dental school.	(2) Five years of acceptable professional dental education culminating in a Bachelor of Dental Surgery at University of Fortaleza, Fortaleza, Brazil, December 2006.
(3) Two academic years of study in an accredited dental school program culminating in certification that the applicant has achieved the level of knowledge and clinical proficiency expected of a graduate of that school.	(3) Two-year Advanced Education in General Dentistry at the University of Rochester, Eastman Institute for Oral Health, Rochester, New York, June 2016 until June 2018.
(4) Satisfactory scores on Parts I and II of the National Dental Board Examinations.	(4)
(5) Acceptable clinically-based dental residency program of at least one year's duration.	(5)
(6) United States citizen or alien lawfully admitted for permanent residence in the United States.	(6)
(7) Evidence of the required course in the identification and reporting of child abuse and maltreatment.	(7)

RECOMMENDATION: The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Dentistry, recommends that the applicant's preprofessional and professional education requirements be considered fulfilled.

MEDICINE

Petition for: Conferral of the degree Doctor of Medicine (M.D.) pursuant to Section 6529 of the Education Law.

Summary Statement: The petitioners listed below are all graduates of foreign medical schools who have been licensed in New York.

The applicable requirements of Section 3.57 of the Rules of the Board of Regents require completion of a medical education program in a foreign medical school satisfactory to the Department which does not grant the degree Doctor of Medicine (M.D.), and in which the philosophy and curriculum were equivalent, as determined by the Department in accordance with the policy of the Board of Regents, to those in programs leading to the degree Doctor of Medicine (M.D.) at medical schools in the United States satisfactory to, or registered by, the Board of Regents and the Department. Secondly, petitioners must have licensure to practice medicine in New York State in accordance with provisions of Section 6524 or 6528 of the Education Law or their equivalent as determined by the Board of Regents pursuant to their authority under Section 6506 of the Education Law.

NAME OF PETITIONER	QUALIFICATIONS
<u>19-58-60C</u> Manasi Agrawal New York, NY 10128	(1) Gandhi Medical College, Bhopal, India, Bachelor of Medicine, Bachelor of Surgery, 04/08/09 (2) License # 270940 Issued 06/24/13
<u>19-59-60C</u> Jorge Balaguer Naperville, IL 60564	(1) University of Buenos Aires, Buenos Aires, Argentina, Physician, 04/30/86 (2) License # 292656, Issued 02/15/18
<u>19-60-60C</u> Smita Bhatt Syosset, NY 11791	(1) University of Pune, Pune, India, Bachelor of Medicine, Bachelor of Surgery, 12/12/00 (2) License # 297486, Issued 02/05/19
<u>19-61-60C</u> Ankit Chothani New York, NY 10128	(1) Gujarat University, Gujarat, India, Bachelor of Medicine, Bachelor of Surgery, 03/27/11 (2) License # 281627, Issued 08/31/15
<u>19-62-60C</u> Huifen Feng New York, NY 10065	(1) Sun Yat University, Guangzhou, China, Bachelor of Medicine, 06/01/97 (2) License # 295061, Issued 07/12/18
<u>19-63-60C</u> Neelofar Khan Syosset, NY 11791	(1) University of Peshawar, Peshawar, Pakistan, Bachelor of Medicine, Bachelor of Surgery, 05/25/08 (2) License # 290402, Issued on 07/17/17
<u>19-64-60C</u> Mohd Arman Qamar Boston, MA 02215	(1) University of Delhi, Delhi, India, Bachelor of Medicine, Bachelor of Surgery 01/09/10 (2) License # 297618, Issued on 02/14/19
<u>19-65-60C</u> Wajeeh Sana Manlius, NY 13104	(1) Allama Iqbal Medical College, Punjab, Pakistan, Bachelor of Medicine, Bachelor of Surgery, 09/21/96 (2) License # 246331, Issued on 09/27/07

<u>19-66-60C</u> Alamgir Sattar Mineola, NY 11501	(1) Ayub Medical College, Abbottabad, Pakistan, Bachelor of Medicine, Bachelor of Surgery, 12/18/07 (2) License # 285244, Issued on 06/22/16
<u>19-67-60C</u> Rajni Tanden New York, NY 10018	(1) Royal College of Physician & Surgeon, Dublin, Ireland, Bachelor of the Art of Obstetrics, Bachelor of Medicine, Bachelor of Surgery, 06/01/06 (2) License # 274880, Issued on 05/01/14

RECOMMENDATION: The Committee on the Professions recommends that the petitioners be awarded the degree Doctor of Medicine (M.D.) in accordance with provisions of Section 6529 of the Education Law