



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

**TO:** The Professional Practice Committee

**FROM:** Frank Muñoz

**SUBJECT:** Proposed Amendments to the Rules of the Board of Regents and the Regulations of the Commissioner of Education Relating to the Approval of Dual-Campus International Medical Schools Seeking to Place Their Students in Long-Term Clinical Clerkships in New York State

**DATE:** February 22, 2011

**AUTHORIZATION(S):**

**Summary**

Issue for Decision

Should the Board of Regents amend section 3.2 of the Rules of the Board of Regents and section 60.2 of the Regulations of the Commissioner to establish the Oversight Committee on Long-Term Clinical Clerkships and to describe the composition and duties of this Committee?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed regulatory amendment is submitted to the Professional Practice Committee at its March 2011 meeting for adoption as an emergency measure.

Procedural History

Between November 2010 and January 2011, the Professional Practice Committee of the Board of Regents ("PPC") engaged in discussions with Deputy Commissioner Muñoz, Executive Secretary Ramos, and Roger A. Oskvig, M.D., Chair of the New York State Board for Medicine, regarding the oversight of dual-campus international medical schools that seek authorization to place students in long-term clinical clerkships in NYS hospitals. The discussions with the PPC incorporated input from the Study Group on International Medical Schools which included representation

from a broad spectrum of the medical education and hospital services communities, including representatives from the affected schools. Preliminary findings of the Study Group were shared and discussed with the PPC during various public sessions. At its meeting in February 2011, the Board of Regents approved a plan for the establishment of an Oversight Committee on Clinical Clerkships.

### Background

The Study Group on International Medical Schools considered the following assertions/information in making its recommendations:

- The number of dual-campus international medical schools operating in NYS has increased dramatically since rules governing their activities in NYS were first promulgated in 1981.
- The schools established extensive affiliation agreements with NYS hospitals to place their students in clinical clerkships.
- Hospitals derive substantial income from fees paid by dual campus medical schools to hospitals that provide opportunities for their students to engage in clinical training.
- Accredited and registered medical schools in New York State (NYS) expressed concern that the continued accommodation of students from the international medical schools impacts their ability to find suitable clinical clerkship placements for their students.
- Admission standards for students attending the dual-campus international medical schools and the implementation of the didactic and clinical parts of the medical programs have not been reviewed in decades, even as medical practice has become more demanding and complex.
- There is a physician shortage in NYS that is expected to grow.
- Approximately 35% of active patient care physicians in New York State are international medical graduates (not necessarily from schools placing students in clinical clerkships in NYS).
- Many of the students attending the dual-campus international medical schools are United States citizens.
- Graduates of the dual-campus international medical schools will eventually return to the United States to compete for placement in postgraduate training programs (residencies).
- Postgraduate training opportunities have not grown to match the increased demand by domestic and international medical graduates.

After consideration of the various preliminary findings and the changes that had taken place in the provision of medical education, the Board of Regents concluded that it was time to review the applicable regulations and policies. Accordingly, the Board of Regents agreed to establish an Oversight Committee that would provide advice on matters related to the evaluation and approval of dual-campus international medical schools seeking authorization to place students in long-term clinical clerkships in New

York State. The plan approved by the PPC at its meeting in February 2011 specifically provided for the Oversight Committee to examine the standards and processes for such evaluations and approvals. Implementation of that plan requires amendments to both the Rules of the Board of Regents and the Regulations of the Commissioner of Education.

The proposed amendment to section 3.2 of the Rules of the Board of Regents expands the duties of the PPC to include the appointment of the Oversight Committee on Long-Term Clinical Clerkships. The amendment also authorizes the PPC to review the determinations of the Oversight Committee regarding applications by dual-campus international medical schools to place students in long-term clinical clerkships in New York.

The proposed amendment of section 60.2 of the Regulations of the Commissioner of Education describes the composition of the Oversight Committee on Long-Term Clinical Clerkships, and specifies the terms of the committee members. The Committee would include representatives from the Board of Regents, the State Education Department, the Department of Health, registered New York State medical schools, dual-campus international medical schools, hospitals that serve as clinical clerkship sites, and physicians experienced in evaluating medical education. The proposed regulations also define the duties of the committee, including the proposal of standards and processes by which dual-campus international medical schools seeking authorization to operate in New York State would be evaluated. Additionally, the Oversight Committee would make recommendations to the Department regarding schools that undergo such evaluation, following which the Department would make recommendations to the Board of Regents. Until the Board of Regents approves the new standards and processes, schools currently approved for such purpose would continue to be subject to the current standards and processes.

### Recommendation

VOTED: That paragraph (5) of subdivision (d) of section 3.2 of the Rules of the Board of Regents and that section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 11, 2011, 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 to establish an Oversight Committee to review and establish standards and procedures for the approval of applications for the placement of students from dual-campus international medical schools into long-term clinical clerkships in New York State.

### Timetable for Implementation

If adopted as an emergency measure at the March 2011 Regents meeting, the proposed amendment will become effective March 11, 2011. Recommendations for appointment to the Oversight Committee will be sought, and the appointments to the Committee will be presented for approval by the Board of Regents in April 2011. The Committee is expected to make recommendations to the Board of Regents on standards and processes at its June 2011 meeting.

AMENDMENTS TO THE RULES OF THE BOARD OF REGENTS AND THE  
REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507, and 6508 of the Education Law.

1. Paragraph (5) of subdivision (d) of section 3.2 of the Rules of the Board of Regents is amended, effective March 11, 2011, to read as follows:.

(5) Committee on Professional Practice:

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

(ix) ...

(x) reviews and approves appointments to the State [Board] Boards for the Professions and the Oversight Committee on Long-Term Clinical Clerkships; [and]

(xi) reviews and makes recommendations to the full board on incorporation and chartering of professional organizations and non-degree granting institutions or organizations related to the professions; and

(xii) reviews recommendations of the Department and/or the Oversight Committee on Long-Term Clinical Clerkships relating to applications from international medical schools to place their students in long-term clinical clerkships.

2. Section 60.2 of the Regulations of the Commissioner of Education is amended, effective March 11, 2011, to read as follows:

§60.2 Clinical clerkships.

(a) Definitions: As used in this Part:

(1) Clinical clerkship [as used in this Part] shall mean a supervised educational experience which is part of the clinical component of a program of undergraduate medical education, which takes place in a general hospital or in an equivalent health organization acceptable to the department and which is performed in accordance with all requirements of the jurisdiction in which such facility is located;

(2) Long-term clinical clerkship shall mean a clinical clerkship which, in the aggregate of all clerkship experience received during two academic years, exceeds 12 weeks.

(b) ...

(c) ...

(d) ...

(e) ...

(f) Establishment of Oversight Committee on Long-Term Clinical Clerkships.

(1) The Board of Regents shall appoint an Oversight Committee on Long-Term Clinical Clerkships. The committee shall consist of:

(i) one member of the Board of Regents, who will serve as co-chair of the committee along with the Chairperson of the State Board for Medicine;

(ii) the chairperson of the State Board for Medicine or another member of the such board designated by the chairperson, who will serve as co-chair of the committee along with the member of the Board of Regents;

(iii) the Executive Secretary of the State Board for Medicine, who shall be a non-voting member of the committee;

(iv) one representative of the Department of Health;

(v) two physicians who are experienced in the evaluation of medical education programs;

(vi) two representatives of international medical schools approved by the Department or Board of Regents to place their students in long-term clinical clerkships in New York State;

(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.

(2) Terms of members. The terms of the members of the first committee appointed pursuant to subparagraphs (v) through (viii) of paragraph (1) of this subdivision shall be so arranged that the terms of two members shall expire on June 30, 2013, the terms of two on June 30, 2014, and the terms of two on June 30, 2015, and the terms of two on June 30, 2016. Thereafter, all members appointed pursuant to subparagraphs (v) through (viii) of paragraph (1) of this subdivision shall be appointed to serve a term of four years each, beginning with the first day of July next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created other than by the expiration of a term shall be for the unexpired term. Members shall serve no more than two terms in succession, except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration. Members may again serve two terms in succession after a gap in service of at least four years.

(3) Duties of the Oversight Committee on Long-Term Clinical Clerkships. The committee shall gather and study existing research on relevant issues, such as health

workforce demands and trends, health workforce diversity and Board of Regents policy determinations. Based on such research and policy determinations, the committee shall:

(i) make recommendations regarding the standards to be applied in assessing applications by medical schools for approval to place their students in long-term clinical clerkships;

(ii) make recommendations regarding the process to be followed in assessing applications for approval to place students in long-term clinical clerkships.

(iii) appoint an appropriate site review team from a roster of individuals approved by the committee;

(iv) after consideration of the site review report, make recommendations as to whether an application for placement of students in a long-term clinical clerkship should be approved.

(4) After consideration of the committee's recommendations, the Department shall make a recommendation to the Board of Regents as to whether an application for placement of students in a long-term clinical clerkship should be approved. Upon approval by the Board of Regents, the medical school shall be authorized to place students in long-term clinical clerkships in New York State.

(5) Until the Board of Regents approves the new standards and processes for approval for the placement of students in international medical schools in long-term clinical clerkships, schools currently approved for such purpose will continue to be subject to the current standards and processes prescribed in subdivision (c) of this section.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE  
EMERGENCY ADOPTION

The proposed amendment to the Regulations of the Commissioner of Education and the Rules of the Board of Regents govern the process for approving international medical schools that seek authorization to place students in long-term clinical clerkships. Section 60.2 of the Regulations of the Commissioner provides that an unaccredited/unregistered medical school may place students in long-term clinical clerkships, provided that that the program in the medical school has been determined by the Department to meet substantially the requirements of section 60.1(a)(1) and Parts 50 and 52 of the Regulations of the Commissioner.

The proposed amendment establishes the Oversight Committee on Long-Term Clinical Clerkships to oversee the process for evaluating medical schools that seek authorization to place students in long-term clinical clerkships in New York State, including the criteria and standards to be applied in reviewing such medical programs. Currently there are several programs that seek continuation of authorization that was previously granted. Other medical programs have requested first-time authorization and are awaiting an evaluation and site visit.

Emergency action is necessary to ensure that all programs that seek either a continuing approval or a first-time approval to place students in long-term clinical clerkships will be evaluated in a timely manner using uniform criteria and standards of review. Without emergency action, the reevaluation of programs that have already been approved and the approval of programs seeking first-time approval will be delayed until the Oversight Committee is established and the new review process and standards are implemented.