



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:** Tony Lofrumento *Anthony Lofrumento Jr*  
**SUBJECT:** Summary of the September 2015 Meeting

**DATE:** October 19, 2015

**AUTHORIZATION(S):** *MaryEllen Eia*  
**Executive Summary**

Issue for Decision

Review of the Summary of the September 2015 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of September 2015 meeting.

Procedural History

This document summarizes the actions of the Board of Regents during the monthly meeting and is brought before the Board the following month for approval.

Recommendation

Approval of the Summary of the September 2015 meeting.

Timetable for Implementation

Effective October 27, 2015.

**VOTED**, that the Summary of the September 2015 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE SEPTEMBER 2015 MEETING***

***OF THE BOARD OF REGENTS***

***OF***

***THE UNIVERSITY OF THE STATE OF NEW YORK***

***Held at the State Education Building  
and the Cultural Education Center***

***Albany, New York  
September 16 and 17, 2015***

***Anthony Lofrumento, Secretary  
Board of Regents***

## ***THE BOARD OF REGENTS***

The Board of Regents of The University of the State of New York held a public session on Wednesday, September 16, 2015 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Wednesday, September 16<sup>th</sup> at 9:00 a.m.**

#### **Board Members in Attendance:**

Merryl H. Tisch, Chancellor  
Anthony S. Bottar, Vice Chancellor  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
Kathleen M. Cashin  
James E. Cottrell  
Josephine Victoria Finn  
Judith Chin  
Beverly Ouderkirk  
Catherine Collins  
Judith Johnson

Also present were Commissioner of Education, Mary Ellen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent T. Andrew Brown was absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 9:00 a.m and shared a tribute upon the death of former Commissioner Thomas Sobol who served as Education Commissioner from 1987 – 1995.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Wednesday, September 16 at 9:01 a.m. to discuss personnel matters.

**MOVED**, that the Board of Regents convene in executive session on Thursday, September 17 at 11:00 a.m. to discuss litigation matters.

**Motion by:** Vice Chancellor Anthony S. Bottar  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion carried unanimously

## **DISCUSSION**

### **Commissioner's Observations and Critical Actions**

Commissioner provided the Board with her observations and critical actions within the first 10 weeks on the job including the announcement and appointment of several critical fills within the Department.

## **ACTION ITEMS**

### **Appointment of Senior Deputy Commissioner for Education Policy BR (A) 5**

**MOVED**, that the Board of Regents approve the appointment of Jhone Ebert to the position of Senior Deputy Commissioner for Education Policy effective in November 2015.

### **Appointment of Deputy Commissioner for the Office of P-12 Instructional Support BR (A) 5**

**MOVED**, that the Board of Regents approve the appointment of Angelica Infante-Green to the position of Deputy Commissioner for the Office of P-12 Instructional Support effective September 17, 2015.

### **Appointment of Deputy Commissioner for the Office of P-12 School Services BR (A) 6**

**MOVED**, that the Board of Regents approve the appointment of Charles Szuberla to the position of Deputy Commissioner for the Office of P-12 School Services effective September 17, 2015.

### **Appointment of Assistant Commissioner for the Office of Bilingual Education and World Languages BR (A) 7**

**MOVED**, that the Board of Regents approve the appointment of Lissette Colon-Collins to the position of Assistant Commissioner for the Office of Bilingual Education and World Languages effective September 17, 2015.

**Appointment of Assistant Commissioner for the Office of Innovation and School Reform  
BR (A) 8**

**MOVED**, that the Board of Regents approve the appointment of Cheryl Atkinson to the position of Assistant Commissioner for the Office of Innovation and School Reform effective in October 2015.

**Motion by:** Vice Chancellor Anthony S. Bottar  
**Seconded by:** Regent Betty A. Rosa  
**Action:** Motion carried unanimously

**PRESENTATION**

**East Ramapo Presentation**

Commissioner Elia, Dennis Walcott, Monica George-Fields and John Sipple discussed with the Board their approach to monitor district operations in order to provide recommendations to ensure that students have access to appropriate programs and services, and that the district is on a path to fiscal and programmatic stability (Attachment I).

Chancellor Merryl H. Tisch adjourned the meeting.

**MEETING OF THE FULL BOARD, Thursday, September 17 at 11:15 a.m.**

**Board Members in Attendance:**

Merryl H. Tisch, Chancellor  
Anthony S. Bottar, Vice Chancellor  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
Kathleen M. Cashin  
James E. Cottrell  
Josephine Victoria Finn  
Judith Chin  
Beverly Ouderkirk  
Judith Johnson

Also present were Commissioner of Education, Mary Ellen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents T. Andrew Brown and Catherine Collins were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:15 a.m.

**ACTION ITEMS**

**Charter Applications  
BR (A) 1**

**MOVED**, that the Board of Regents approve each application in accordance with the recommendations contained in the summary table (see Appendix I).

**Summary of the July 2015 Meeting of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the July 2015 Meeting of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Wade S. Norwood  
**Action:** Motion carried unanimously.

## **PROGRAM AREA CONSENT ITEMS**

### **Higher Education**

#### **Carnegie Mellon University Permission to Operate BR (CA) 1**

**MOVED**, that the Board of Regents grant permission to Carnegie Mellon University to offer the four programs identified as a part of its Integrated Media Program, in partnership with New York City's Applied Science Initiative, at the Steiner Studios, Brooklyn Navy Yard. This approval will be effective for a five-year period beginning on September 17, 2015, and ending on September 16, 2020.

#### **Creation of Safety Nets for Candidates Who Take the New Teacher Certification Examinations (ALST, EAS and the Redeveloped CSTs) and an Extension of the Safety Net for edTPA BR (CA) 2**

**MOVED**, that Sections 52.21, 80-1.5, 80-3.3, 80-3.4 and 80-5.13 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 7, 2015.

#### **Master Plan Amendment: Fordham University, Ph.D in Business BR (CA) 3**

**MOVED**, that the Board of Regents approve an amendment to the master plan of Fordham University to authorize the University to offer its first doctoral program in the Business discipline. The amendment will be effective until September 30, 2016, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

#### **Proposed Addition of a New Subpart 152-3 to the Regulations of the Commissioner of Education to Implement the Foster Youth College Success Initiative as Added by Part X of Chapter 56 of the Laws of 2015 BR (CA) 4**

**MOVED**, that a new Subpart 152-3 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 21, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the proposed rule remains continuously in effect until it can be adopted as a permanent rule; and

**MOVED**, that a new Subpart 152-3 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 7, 2015.

## **P-12 Education**

### **Proposed Addition of Section 136.8 of the Commissioner's Regulations Relating to School Use of an Opioid Antagonist BR (CA) 5**

**MOVED**, that section 136.8 of the Regulations of the Commissioner is added, as submitted, effective October 7, 2015.

### **Proposed Addition of Section 136.7 of the Regulations of the Commissioner Relating Self-Administration of Certain Medications by Students BR (CA) 6**

**MOVED**, that section 136.7 of the Regulations of the Commissioner of Education is added as submitted, effective October 7, 2015; and it is further

**MOVED**, that section 136.7 of the Regulations of the Commissioner of Education is added as submitted, effective September 28, 2015, as an emergency action upon a finding of 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 June 2015 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

### **Amendment of Section 100.18 of the Regulations of the Commissioner Relating to School and District Accountability and New York State's Approved ESEA Flexibility Renewal Waiver BR (CA) 7**

**MOVED**, that paragraphs (14), (15) and (22) of subdivision (b) and subdivisions (f), (g), (h), (i), (j), (k) and (l) of section 100.18 of the Regulations of the Commissioner of Education be amended, and that paragraphs (24), (25), (26), (27), (28) and (29) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education be added, as submitted, effective October 19, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the July 2015 Regents meeting remains continuously in effect until it can be presented for permanent adoption and take effect as a permanent rule.

### **Proposed Addition of Section 100.2(c)(11) of the Commissioner's Regulations to Require the use of Automated External Defibrillators System BR (CA) 8**

**MOVED**, that paragraph (11) of subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education be amended as submitted, effective October 7, 2015.

**Registration of Public Schools  
BR (CA) 9**

**MOVED**, that the schools listed on the table be registered.

**Consent to File a Certificate of Assumed Name for a Charter School Authorized  
by the Board of Trustees of the State University of New York (SUNY) – Storefront  
Academy Charter School  
BR (CA) 10**

**MOVED**, that the Board of Regents approve the application in accordance with the recommendations contained in the summary table.

**Proposed Amendment of Section 200.9 of the Commissioner’s Regulations  
Relating to Reimbursement for Preschool Special Education Itinerant Services  
BR (CA) 11**

**MOVED**, that subparagraph (ix) of paragraph (2) of subdivision (f) of section 200.9 of the Regulations of the Commissioner of Education be amended as submitted, effective October 7, 2015; and it is further

**MOVED**, that subparagraph (ix) of paragraph (2) of subdivision (f) of section 200.9 of the Regulations of the Commissioner of Education be amended as submitted, effective September 28, 2015, as an emergency action upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the June 2015 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

**Professional Practice**

**(Re)Appointments of Members to the State Boards for the Professions and  
(Re)Appointments of Extended Members to the State Boards for the Professions  
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral  
Character Panels  
BR (CA) 12**

**MOVED**, that the Regents approve the proposed (re)appointments.

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 13**

**MOVED**, that the Regents approve the recommendations of the Committee on the Professions regarding licensing petitions.

**Master Plan Amendment: The City University of New York – City College, Doctor of Medicine (M.D.) Degree  
BR (CA) 14**

**MOVED**, that the Board of Regents approve a master plan amendment to authorize The City University of New York City College to offer a doctoral program in Medicine and the authorization to award Doctor of Medicine (M.D.) degree.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Betty A. Rosa  
**Action:** Motion carried. Regent Kathleen M. Cashin recused herself from the vote on Master Plan Amendment: Fordham University, Ph.D in Business. Regent Betty A. Rosa abstained from the vote on Master Plan Amendment: Fordham University, Ph.D in Business.

**Democracy Prep Charter School and Democracy Prep Charter School-Harlem  
P-12 (A) 4**

**VOTED:** That the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Democracy Prep Charter School is amended accordingly, provided that such findings and approval shall only become effective upon the State Education Department's receipt of documentation that the Democracy Prep Charter School's Board of Trustees has adopted assurances regarding the school's participation in the Democracy Prep Pathways program.

**VOTED:** That the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Democracy Prep Charter School – Harlem is amended accordingly, provided that such findings and approval shall only become effective upon the State Education Department's receipt of documentation that the Democracy Prep Charter School – Harlem's Board of Trustees

has adopted assurances regarding the school's participation in the Democracy Prep Pathways program.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion carried unanimously.

## **STANDING COMMITTEE REPORTS**

### **ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)**

Your ACCES Committee held its scheduled meeting on September 16, 2015. All members were present.

#### **MATTERS NOT REQUIRING BOARD ACTION**

Proposed amendment of section 100.7 of the Regulations of the Commissioner of Education, relating to the State High School Equivalency Diploma – Your Committee recommends that amendments be made to update, provide clarity and make necessary technical changes to section 100.7 including provisions relating to the Alternative High School Equivalency Preparation Programs (AHSEP) as well as implement policy changes which will: allow candidates who take the HSE test in a language other than English, to receive a new transcript without such designation providing that the candidates take and pass the HSE Reading and Writing subtests in English; allow all candidates under the age of 19 to receive a HSE diploma upon passing the HSE test; make permanent the current provision in the regulation that allows a passing score on at least one but not more than four of the sub-tests of the GED® examination taken in calendar years 2002 through 2013 (2003 through 2013 for the Spanish version of the examination) to be accepted as a passing score on the corresponding sub-test or sub-tests of the new HSE examination administered on or after January 1, 2014 and before January 1, 2016; and, reflect department policy since 1998 which allows Home Schooled students who are 17 years old to take the HSE, and extend that policy to include Home Schooled students who are 16 years old to take the HSE.

### **CULTURAL EDUCATION**

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. The Cultural Education Committee had its scheduled meeting on September 17, 2015

In attendance were committee members: Regent Tilles, Chair, Regent Finn, Regent Bendit, Regent Chin, Regent Cea, Regent Ouderkirk, Regent Cottrell, Regent Johnson. Absent: Regent Brown. In addition to CE Committee Members, in attendance were:

Regents Tallon, Cashin and Norwood as well as Commissioner Elia and Executive Deputy Commissioner Berlin.

## ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles provided a brief update on the work of the Arts Assessment Panel.

Assistant Commissioner for Libraries and State Librarian Bernard Margolis introduced the panel of individuals who presented on various aspects of libraries and library systems. Mr. Margolis commented that instead of focusing on four separate items as provided in formal agenda, the panel would provide a single seamless presentation on the topics described in the items. He indicated that there was an abundance of material provided in the packets distributed at the meeting, including contact information for all of the presenters.

The first presenters were Jackie Thresher, Director of the Nassau Public Library System and Tim Burke, head of the Upper Hudson Public Library System. Both reviewed the impact of public library systems and their benefits. Burke remarked that the resource sharing of the Upper Hudson Library System saved member libraries over \$26 million annually by sharing resources. He also remarked that circulation of electronic books now accounts for ten percent of circulation at member libraries in the Upper Hudson System. Mr. Burke and Ms. Thresher both commented that the collection development activities of libraries is impacted by the need to provide resources that are aligned with the Common Core and that ensuring that public libraries are meeting the needs of students is both a priority and an ongoing activity.

The next presenter was Erica Freudenberger, Director, Red Hood Public Library who described the collaborations and programs and services of the small library that serves the Village of Red Hook. She highlighted the increased attendance, doubling of the library budget and value of participation in the services of systems especially the integrated library system and the delivery services of the Mid Hudson Public Library System.

Following Freudenberger's presentation was Mary Fellows, Manager, Youth & Family Services, Upper Hudson Library System who reviewed the impact and benefits of library services to pre-school age children. Citing the paper: Hart, B., & T.R. Risley. 2003. "The Early Catastrophe: The 30 Million Word Gap by Age 3." *American Educator* 27 (1): 4-9. Ms. Fellows described the positive impact of literacy programs for parents and children of pre-school children, especially those families who live in poverty. These programs are part of the Department's program "Ready to Read at New York's Libraries" which provides staff development for librarians across the state for developing programs and services that increase accessibility and use of library materials for families of pre-school age children.

J'aime Pfeiffer, School Library System Director, Washington-Saratoga-Warren-Hamilton BOCES provided a high level overview of school library systems and their benefits to schools, citing the equity of access to online and other resources that school library systems ensure for the libraries of schools they serve.

Alicia Abdul, librarian, Albany High School reviewed the impact that her programs have on the literacy, learning and school experiences of students at Albany High School. She also remarked on the expansion of her programs to address the literacy needs of students from immigrant families, citing an influx of Burmese families in the Albany City School District. Ms. Abdul provided many specific examples of high participation by students in library programs, including some that have occurred on weekends, outside of the normal school day.

All participants stressed the collaboration, interconnectedness and value that libraries and library systems provide.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on September 17, 2015

### **Action Items**

#### **Proposed Amendment of Section 30-1.3 of the Rules of the Board of Regents and Subpart 82-1 and Addition of a New Subpart 82-3 of the Regulations of the Commissioner of Education Relating to Probationary Appointments and Tenured Teacher Hearings To Implement Subparts D and G of Chapter 56 of the Laws of 2015.**

Your Committee reviewed the proposed amendments and recommends that subdivision (d) of Section 30-1.3, the title of Subpart 82-1, and Section 82-1.1 of the Regulations of the Commissioner of Education be amended, and that a new Subpart 82-3 of the Regulations of the Commissioner of Education be added, as submitted, effective September 21, 2015, as an emergency action upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to revise the regulation to timely implement the provisions of Subparts D and G of Chapter 56 of the Laws of 2015 and to ensure that the rule remains continuously in effect until it can be adopted as a permanent rule. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the November 2015 Regents meeting, after publication of the proposed amendment in the State Register for the 30-day public comment period required under the State Administrative Procedure Act for revised rulemakings. If the proposed amendment is adopted at the November meeting, the proposed amendment will become effective on December 2, 2015. HE (A)

**Emergency Adoption of Proposed Amendments to Part 52 of the Regulations of the Commissioner of Education Relating to Minimum Admission Standards for Graduate-Level Teacher and Educational Leadership Programs and Requirements for the Suspension and/or Deregistration of Certain Programs with Completers Who Fail to Achieve a Minimum Pass Rate on Certification Examinations for Three Consecutive Years.**

Your Committee reviewed the proposed amendments and recommends that Section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 21, 2015, as an emergency action, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare, in order to timely implement the provisions of sections 210-a and 210-b. It is anticipated that the proposed amendment will be adopted by the Board of Regents as a permanent rule at their December 2015 meeting. If adopted at the December 2015 meeting, the proposed amendment will become effective as a permanent rule on December 30, 2015. HE (A) 1

**MOTION FOR ACTION BY FULL BOARD**

Madam Chancellor and Colleagues: Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 17, 2015, copies of which have been distributed to each member of the Board of Regents.

**Other matters not requiring action:**

Update on the New York State Pathways in Technology Early College High School Program (NYS P-TECH). Your Committee received an update on the NYS P-TECH Program. The model incorporates a six-year program that combines high school, college, and career training and is targeted to academically at-risk, disadvantaged students. HE (I) 1

**P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on September 16, 2015. All members were present except for Regent Brown, who was excused.

**ACTION ITEMS**

**Academic Intervention Services [P-12 (A) 1]**

Your Committee recommends that paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education be amended as submitted, effective September 17, 2015, as an emergency measure upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare to immediately

establish modified requirements for the provision of Academic Intervention Services (AIS) for the 2015-16 school year and thereby ensure their timely implementation, for purposes of providing school districts with flexibility to address the change in student rates of proficiency on the 2014-2015 grades 3-8 assessments in English Language Arts and Mathematics, and ensuring that during the 2015-2016 school year districts continue to maintain on file a uniform process by which the district determines whether to offer AIS to students who scored at or above the specified cut scores but below Level 3 on grade 3-8 English Language Arts or Mathematics State assessments. It is also recommended that a committee be established during the 2015-16 school year to examine the effectiveness of AIS and to make recommendations about revisions to AIS regulations for 2016-17. The motion to approve was carried. Regents Rosa, Johnson and Collins voted against.

#### School Receivership [P-12 (A) 2]

Your Committee recommends that section 100.19 of the Regulations of the Commissioner of Education is added, as submitted, effective September 21, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately adopt revisions to the proposed amendment in response to public comment, and to otherwise ensure that the emergency rule adopted at the June 2015 Regents meeting, as revised, remains continuously in effect until the effective date of its adoption as a permanent rule. The motion passed by a unanimous vote of all present. Regent Tilles stated that his vote on the regulation did not signify confidence in the law.

#### Democracy Prep Endurance Charter School [P-12 (A) 3]

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Democracy Prep Endurance Charter School and amends the provisional charter accordingly.

#### Democracy Prep Charter School and Democracy Prep Charter School-Harlem [P-12 (A) 4]

This item was deferred to the September 17th meeting of the Board of Regents pending receipt of assurances from the school regarding the Pathways program.

## **MOTION FOR ACTION BY FULL BOARD**

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 17, 2015, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

Workgroup on Common Core Regents Exams [P-12 (D) 1] – the Committee discussed questions raised about three aspects of the Common Core Regents Exam in Algebra I: (1) the low percentage of students who achieved at Level 4 and Level 5; (2) the conversion chart, in which students need many fewer raw score points for the Level 2 and Level 3; and many more raw score points for Levels 4 and 5; and (3) concerns that college personnel will be confused by the changes in the test when they review information on student transcripts. The lower percentage of students scoring at Level 4 and above, as compared to past student performance on the Regents Exam in Integrated Algebra, is a direct result of implementing higher learning standards. Department staff were directed by the Board of Regents to convene a group of educators to consider and advise on the technical and policy questions raised, including whether a new scale should be adopted to address the concerns about the conversion chart and transcript review by college personnel.

Transition to Common Core-aligned Regents Examinations in Mathematics (Algebra II) [P-12 (D) 2] – the Committee discussed proposed amendments to regulations that would provide flexibility with respect to the Regents Examination in Algebra II (Common Core) by allowing, at the discretion of the applicable school district, students receiving Algebra II (Common Core) instruction to take the Regents Examination in Algebra 2/Trigonometry aligned to the 2005 Learning Standards in addition to the Regents Examination in Algebra II (Common Core), and meet the mathematics requirement for graduation by passing either examination. This flexibility would be permitted until the final administration of the Algebra 2/Trigonometry Regents examination in January 2017. This proposed amendment will be presented to the Regents for adoption in December.

Appeal of Scores for the Safety Net Local Diploma for Students with Disabilities [P-12 (D) 3 REVISED] – the Committee discussed proposed amendments to regulations that would allow all students with disabilities otherwise eligible to graduate in January 2016 or thereafter, and who score up to three points below a score of 55 on a Regents exam after at least two attempts would be eligible to receive the Local Diploma via appeal. For students who take, but cannot pass Regents exams after one or more attempts, the Department would like to also explore the feasibility of other State assessment option(s) that would ensure that students are held to the same standards, but are provided more than one means to demonstrate proficiency in the same State standards as are assessed through the Regents exams. A Department team with representatives from the Offices of Assessment, Curriculum and Instruction and Special Education will

benchmark with other states, begin preliminary discussion with stakeholder groups and propose options for consideration by the Board of Regents by December 2015.

Online Learning Advisory Council [P-12 (I) 1] – the Committee was provided with an update on the work of the Online Learning Advisory Council. Recommendations and a draft plan will be completed for the Commissioner’s review in late September. A draft of the report will be delivered to the governor, senate, and assembly for their review by October 1, 2015. A comment period will be open from October 1, 2015 through November 1, 2015 prior to completion and delivery of the final report by November 20, 2015. A presentation with recommendations will be provided to the Board of Regents at the November meeting.

### Consent Agenda

The Board of Regents will take action on the following consent agenda items at their September 17, 2015 meeting.

- School Use of an Opioid Antagonist
- Self-Administration of Certain Medications by Students
- School and District Accountability and New York State’s approved ESEA Flexibility Renewal Waiver
- Instruction in Cardiopulmonary Resuscitation and the use of Automated External Defibrillators
- Registration of Public Schools
- Storefront Academy Charter School Assumed Name Revision
- Reimbursement for Preschool Special Education Itinerant Services

### **P-12 EDUCATION/HIGHER EDUCATION**

Your P-12 Education Committee and Higher Education Committee held a joint meeting on September 16, 2015. All members were present except for Regent Brown who was excused.

### **MATTERS NOT REQUIRING BOARD ACTION**

Annual Professional Performance Reviews of Classroom Teachers and Building Principals [P-12/HE (A) 1]

Your P-12 Education Committee recommends that the Title of Subpart 30-2, subdivisions (b) and (d) of section 30-2.1, subdivision (c) of section 30-2.11 of the Rules of the Board of Regents and subdivision (o) of section 100.2 of the Commissioner’s regulations be amended and a new section 30-2.13 and Subpart 30-3 of the Rules of the Board of Regents be added, as submitted, effective September 28, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the provisions of

Subpart E of Part EE of Chapter 56 of the Laws of 2015 relating to a new annual evaluation system for classroom teachers and building principals and thereby ensure that school districts and BOCES may timely implement the new evaluation requirements for classroom teachers and building principals in accordance with the statute and to ensure that the emergency rule adopted at the June 2015 meeting remains and revised at the September meeting, remains continuously in effect until it can be adopted as a permanent rule. The motion to approve was carried. Regents Johnson, Ouderkirk, Collins, Rosa, Chin and Cashin voted against.

A motion was made and unanimously approved that the Commissioner review and prepare a resolution to be adopted by the Board of Regents which expresses the sense of the Board with respect to the current APPR law, and any necessary changes.

#### MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education and Higher Education Committees recommend, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 17, 2015, copies of which have been distributed to each Regent.

#### MATTERS NOT REQUIRING BOARD ACTION

School Counselors and Program Registration Requirements for School Counseling Preparation Programs [P-12/HE (D) 1] – the Committee discussed proposed amendments to regulations relating to school counseling, certification requirements for school counselors and program registration requirements for school counseling preparation programs, including regulatory changes for candidates seeking an initial or professional school counselor certificate. It is anticipated that the proposed amendment will be adopted by the Board of Regents at its December meeting.

#### **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on September 16, 2015. All members were present, except Regent Catherine Collins who was excused.

#### ACTION ITEMS

##### **Professional Discipline Cases**

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 8 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 98 consent order applications and 23 surrender applications be granted.

In the case of Yolette M. Battle, Licensed Practical Nurse, Calendar No. 27553, we recommend that the report of the Regents Review Committee be clarified as follows: wherever the name “Yolette M. Battle” is shown, the name of this respondent shall be deemed to read as “Yolette M. Battle”.

In the case of Mary Teresa McConnell a/k/a Maryteresa Dunigan McConnell a/k/a Mary T. McConnell a/k/a Mary McConnell a/k/a Mary Dunigan McConnell a/k/a Mary Dunigan, Registered Professional Nurse, Calendar No. 27676, we recommend that the report of the Regents Review Committee be clarified as follows: wherever respondent’s name is shown, respondent’s name be deemed to include, immediately after Mary Teresa McConnell, the a/k/a of Maryteresa Dunigan McConnell.

These recommendations are made following the review of 129 cases involving thirty-eight licensed practical nurses, twenty-one registered professional nurses, nine licensed practical nurses who are also registered professional nurses, eight pharmacists, five certified public accountants, three professional engineers, three veterinarians, two dentists, two occupational therapists, two physical therapists, two podiatrists, two respiratory therapists, one architect, one certified dietitian/nutritionist, one dental hygienist, one dentist who is also a holder of a dental enteral conscious sedation certificate, one dentist who is also a holder of a certificate to administer dental general anesthesia, one land surveyor, one licensed clinical social worker, one licensed master social worker, one licensed practical nurse who is also a registered professional nurse and a nurse practitioner (pediatrics), one massage therapist, one mental health counselor, one physical therapist assistant who is also a physical therapist, one psychologist, one registered professional nurse who is also a nurse practitioner (family health), one speech-language pathologist, one veterinary professional corporation, and one wholesaler of drugs.

## **Restorations**

Your Committee recommends the following:

That the application of Nicholas Lisnichy for the restoration of his license to practice as a physician in New York State be denied. [PPC EXS (A) 4]

That the application of Louis Sidoti for the restoration of his license to practice as a physician in New York State be denied. [PPC EXS (A) 5]

That the application of Hemalathadevi Tarikere for the restoration of her license to practice as a physician in New York State be denied. [PPC EXS (A) 6]

That the execution of the revocation of Dr. Toth’s license to practice as a physician in the State of New York be stayed, that he be placed on probation for a period of one year under the Terms of Probation annexed to the Report of the Committee of the Professions as Exhibit A, and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 7]

That the application of Marianne Webster for the restoration of her license to practice as a physician in New York State be denied. [PPC EXS (A) 8]

#### Long-Term Clinical Clerkships [PPC EXS (A) 9]

Your Committee recommends the following:

That the application of Ras Al Khaimah Medical and Health Sciences University to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

That the application of Weill Cornell Medical College Qatar to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

#### **Approvals**

**Regulations: Opioid related Overdose Treatment and Hepatitis C Testing** – Your Committee recommends the following:

That subdivisions (e) and (f) of section 64.7 of the Regulations of the Commissioner of Education be added, as submitted, effective October 7, 2015; and

That subdivisions (e) and (f) of section 64.7 of the Regulations of the Commissioner of Education be added, as submitted, effective September 21, 2015, 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 June 2015 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule. [PPC (A) 1]

**Regulations: Authorization of Degrees: Adding Doctor of Occupational Therapy (O.T.D.) Degree in New York** – Your Committee recommends the following:

That paragraph (2) of subdivision (d) of section 3.47 of the Rules of the Board of Regents is amended and paragraph (37) of subdivision (b) of section 3.50 of the Rules of the Board of Regents is added, as submitted, effective October 7, 2015. [PPC (A) 2]

**Regulations: Administration of Vaccinations by Pharmacists** – Your Committee recommends the following:

That paragraphs (1), (2) and (4) of subdivision (b) of section 63.9 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 17, 2015, 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 immediately conform the Regulations of the Commissioner to timely implement the requirements of

Chapter 46 of the Laws of 2015, which include authorizing pharmacists to administer immunizations to prevent tetanus, diphtheria or pertussis disease pursuant to a patient specific order or a non-patient specific order and to administer immunizations to prevent acute herpes zoster (shingles) pursuant to a non-patient specific order, in addition to their current immunization authority to administer immunizations to prevent acute herpes zoster pursuant to a patient specific order, effective June 30, 2015. [PPC (A) 3]

### **MOTION FOR ACTION BY FULL BOARD**

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 16, 2015, copies of which have been distributed to each Regent.

### **MATTERS NOT REQUIRING BOARD ACTION**

Your Committee discussed several topics of interest, including:

#### **Deputy Commissioner's Report/Update**

- Full Board Consent Agenda Items
- Board (Re)Appointments
- Licensing Petitions
- Master Plan Amendment: The City University of New York – City College, Doctor of Medicine (M.D.) Degree

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Betty A. Rosa  
**Action:** Motion carried unanimously.

### **State Education Department June 2015 Fiscal Report BR (A) 3**

**MOVED**, that the Board accepts the June 2015 State Education Department Fiscal Report as presented.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent James R. Tallon Jr.  
**Action:** Motion carried unanimously.

## **APPOINTMENT**

### **Appointment of Assistant Commissioner for the Office of Assessment, Standards and Curriculum BR (A) 9**

**MOVED**, that the Board of Regents approve the appointment of Peter Swerdzewski to the position of Assistant Commissioner for the Office of Assessment, Standards and Curriculum effective September 17, 2015.

**Motion by:** Regent Christine D. Cea  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion carried unanimously.

## **PRESENTATIONS**

### **Announcement of the Marge Tierney Scholarship Award Winner**

The 2015 Marge Tierney Scholarship was awarded by Commissioner MaryEllen Elia to Kellie Talebkhah.

### **Teacher of the Year**

Commissioner Elia announced the 2016 Teacher of the Year Award to Dana McDonough, of Fostertown ETC Magnet School, Newburgh, New York. Mrs. McDonough also received the Commissioner Thomas Sobol Award and the David Johnson Award.

Charles Giglio, of Gloversville High School, Gloversville, New York provided an overview of his experiences as 2015 Teacher of the Year.

Dana McDonough provided brief remarks to the Board upon presentation of her award.

Finalists for the New York State Teacher of the Year included: Michael Comet, a high school Science teacher at South Lewis High School in the South Lewis Central School District; Deborah Minchin, a high school Social Studies teacher at New Rochelle High School in the City School District of New Rochelle; Jason Steinagle, a middle school Social Studies teacher at Hamburg Middle School in the Hamburg Central School District; Sandra Taylor, a French teacher at Skaneateles High School in the Skaneateles Central School District.

Chancellor Merryl H. Tisch adjourned the meeting.

**Appendix I**  
**NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Apex Art Curatorial Program	CE	New York	Amend, replace, and restate charter as a Regents certificate of incorporation.
Belden Noble Memorial Library of Essex	CE	Essex	Amend charter to: <input type="checkbox"/> Change number of trustees to be not less than five nor more than nine; <input type="checkbox"/> designate the library's service area to be coterminous with the Town of Essex; <input type="checkbox"/> designate Commissioner as agent for service; and <input type="checkbox"/> update IRS dissolution language.
Brewster Public Library	CE	Putnam	Amend charter to: <input type="checkbox"/> change number of trustees to be not less than five nor more than nine; <input type="checkbox"/> designate the library's service area to be coterminous with the Town of Southeast; <input type="checkbox"/> designate Commissioner as agent for service; and <input type="checkbox"/> update IRS dissolution language.
Clarksville Historical Society	CE	Albany	Extend provisional charter for five years.
Friends of Harmony Hall – Jacob Sloat House	CE	Rockland	Extend provisional charter for five years.
Friends of NOPL at North Syracuse	CE	Onondaga	Dissolve the Regents certificate of incorporation and approval to distribute assets to the Central

			New York Community Foundation.
The Friends of the Schoolcraft Cultural Center	CE	Albany	Amend, replace, and restate charter as a Regents certificate of incorporation.
The Greenpoint Monitor Museum	CE	Kings	Extend provisional charter for five years.
Hepburn Library of Edwards	CE	St. Lawrence	Amend charter to: <input type="checkbox"/> change number of trustees to be not less than five nor to be not less than five nor more than fifteen; <input type="checkbox"/> designate Commissioner as agent for service; and <input type="checkbox"/> update IRS dissolution language.
Historic Bridges of the Hudson Valley	CE	Ulster	Grant a Regents certificate of incorporation.
Historical Society of the Town of Middletown, Delaware County	CE	Delaware	Grant an absolute charter.
Holocaust Museum and Study Center	CE	Rockland	Amend charter to change the corporate address and extend provisional charter for five years.
Martinsburg Historical Society	CE	Lewis	Grant an absolute charter.
National Museum of Mathematics	CE	New York	Grant an absolute charter.
New Amsterdam History Center	CE	New York	Extend provisional charter for five years.
Pleasant Valley Free Library	CE	Dutchess	Amend charter to: <input type="checkbox"/> change number of trustees to be not less than five nor more than fifteen; <input type="checkbox"/> designate Commissioner as agent for service; and <input type="checkbox"/> update IRS dissolution language.

Town of Brookfield Historical Society	CE	Madison	Grant an absolute charter.
Westchester Children's Museum	CE	Westchester	Amend charter to change the corporate address.
Globaissance Learning Oasis for Building Engagement	P12	Saratoga	Consent to filing of certificate of assumed name "The G.L.O.B.E. School".
The McCarton School	P12	New York	Extend provisional charter for three years.
Park Slope North/Helen Owen Carey Child Development Center	P12	Kings	Consent to merge with "University Settlement Society of New York", a not-for-profit corporation, with "University Settlement Society of New York" as the surviving corporation.
The School of Practical Philosophy	P12/HE	New York	Merge with "Philosophy Day School", an education corporation, with The School of Practical Philosophy as the survivor.

**Appendix II**  
**REGENTS ACTIONS IN 131 PROFESSIONAL DISCIPLINE CASES AND 5**  
**RESTORATION PETITIONS**

**September 16 - 17, 2015**

The Board of Regents announced disciplinary actions resulting in the revocation of 3 licenses, the surrender of 22 licenses and 1 certificate, and 104 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 5 restoration petitions.

**I. REVOCATIONS AND SURRENDERS**

**Dentistry**

Larry Robert Berman; Dentist; Bronx, NY 10471; Lic. No. 036499; Cal. No. 28280; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Medicaid Fraud in the 3rd Degree in the State of New Jersey, which, if committed in New York, would have constituted Grand Larceny in the 3rd Degree, a class D felony.

James R. Manwaring; Dentist; Gaithersburg, MD 20877; Lic. No. 037189; Cal. No. 28429; Application to surrender license granted. Summary: Licensee admitted to the charge of, having self-administered in 1992, in the State of Maryland a narcotic that had been left in a syringe after said syringe had been used for a patient procedure; in 1993, having written illegal prescriptions for the controlled drug Fiorinal with codeine for fictitious people, picking up said drugs by assuming the identities of said fictitious people, and ingesting said drugs for non-dental reasons; and having been convicted, in 2007, of committing an act constituting a crime in the law of another jurisdiction (Obtaining a Drug by Fraud in the State of Maryland) which, if committed within this State, would have constituted a crime under New York State law (Criminal Diversion of Prescription Medications.)

**Engineering and Land Surveying**

Israel Korman; Professional Engineer; Bayside, NY 11360; Lic. No. 040784; Cal. No. 26598; Found guilty of professional misconduct; Penalty: Revocation.

**Massage Therapy**

William Roberto Alvarado; Cumming, GA 30040; Lic. No. 015661; Cal. No. 28416; Application to surrender license granted. Summary: Licensee admitted to the charge of having violated a term of probation imposed by the Board of Regents.

## **Nursing**

Maria Fernandez; Licensed Practical Nurse; Poughkeepsie, NY 12603; Lic. No. 163349; Cal. No. 27549; Application to surrender license granted. Summary: Licensee admitted to the charge of having willfully physically abused a patient.

Diane DeFranco; Licensed Practical Nurse; Huntington, NY 11743; Lic. No. 243420; Cal. No. 27705; Application to surrender license granted. Summary: Licensee did not contest the charge of having withdrawn controlled drugs from a Pyxis machine without intending to administer said drugs to patients for whom said drugs were ostensibly withdrawn.

Joanne D. Simnowski; Licensed Practical Nurse; Charleston, SC 29406; Lic. No. 109196; Cal. No. 27741; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Forgery in the 3rd Degree and Criminal Possession of a Forged Instrument in the 3rd Degree, both class A misdemeanors.

Barbara A. Ruggieri; Registered Professional Nurse; Huntington Station, NY 11746-2048; Lic. No. 256399; Cal. No. 28237; Application to surrender license granted. Summary: Licensee did not contest the charge of having practiced the profession while the ability to practice was impaired by alcohol.

Barret Michael Iarossi; Licensed Practical Nurse; Ballston Spa, NY 12020; Lic. No. 313920; Cal. No. 28269; Application to surrender license granted. Summary: Licensee admitted to charges of having diverted controlled substances and having practiced the profession of nursing while impaired.

Cheryl Lee Burley; Registered Professional Nurse, Nurse Practitioner (Family Health); Kalamazoo, MI 49009-9509; Lic. No. 485925, Cert. No. 337039; Cal. Nos. 28281, 28282; Application to surrender license and certificate granted. Summary: Licensee admitted to the charge of having been convicted of Practice Outside of the Scope of a License in violation of §16221(c)(iii) of the Michigan Public Health Code, 1928 PA 368; which, if committed in New York State, would have constituted Practicing the Profession of Nursing Beyond Its Authorized Scope pursuant to New York State Education Law Section 6509(2).

Tanya Lemon; Licensed Practical Nurse; East Syracuse, NY 13057; Lic. No. 268491; Cal. No. 28290; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Endangering the Welfare of an Incompetent or Physically Disabled Person in the 1st Degree, a class E felony.

Patrick Timothy O'Malley; Licensed Practical Nurse; Dunkirk, NY 14048; Lic. No. 218737; Cal. No. 28291; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Forgery in the 3rd Degree and Driving While Intoxicated, both misdemeanors.

Alice J. Clark; Licensed Practical Nurse; Poughkeepsie, NY 12601; Lic. No. 249616; Cal. No. 28295; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Forgery in the 3rd Degree, a misdemeanor.

Nanic Balvte Aidasani a/k/a Nanic Aidasani; Licensed Practical Nurse; Perth Amboy, NJ 08861-3614; Lic. No. 314720; Cal. No. 28355; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Endangering the Welfare of a Vulnerable Elderly in the 2nd Degree, a felony, and Sexual Abuse in the 2nd Degree, a misdemeanor.

Laurie A. Glynn; Registered Professional Nurse; Valley Falls, NY 12185; Lic. No. 425318; Cal. No. 28356; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Criminal Trespass and Criminal Possession of a Forged Instrument, 3rd degree and of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of the State of Vermont, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct pursuant to New York State Education Law Section 6509(5)(b).

## **Pharmacy**

Alfredo Balleras; Pharmacist; Flanders, NJ 07836; Lic. No. 053391; Cal. No. 28227; Application to surrender license granted. Summary: Licensee did not contest the charge of having filled prescriptions for controlled substances that were faxed from various websites acting as middlemen without verifying the source or validity said prescriptions.

Anthony Thomas D'Alessandro; Pharmacist; Staten Island, NY 10309; Lic. No. 039448; Cal. No. 28417; Application to surrender license granted. Summary: Licensee admitted to the charge of, having stolen over the course of at least a three year period, while serving as the Director of Pharmacy Services for a major hospital, more than 150,000 oxycodone pills, having an illegal re-sale value in the millions of dollars, from that hospital.

Palangat O. Velayudhan; Pharmacist; Grand Junction, CO 81507; Lic. No. 032046; Cal. No. 28428; Application to surrender license granted. Summary: Licensee admitted to the charge of having dispensed 21 tablets of alprazolam (Xanax), a controlled substance, without an up-to-date corresponding prescription in the State of Colorado.

## **Physical Therapy**

Mark William Milleville; Physical Therapist; North Tonawanda, NY 14120-1200; Lic. No. 011248; Cal. No. 27576; Application to surrender license granted. Summary: Licensee admitted to the charge of moral unfitness in the practice of physical therapy.

## **Podiatry**

Simon Levich a/k/a Simon Yesilevich; Staten Island, NY 10304; Lic. No. 004735; Cal. No. 27659; Found guilty of professional misconduct; Penalty: Revocation, \$7,500 fine.

## **Public Accountancy**

Ronald L. Simons; Certified Public Accountant; Vestal, NY 13850; Lic. No. 049755; Cal. No. 27300; Found guilty of professional misconduct; Penalty: Revocation.

Craig Bernard Haber; Certified Public Accountant; Lewisburg, PA 17837; Lic. No. 074107; Cal. 28194; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Mail Fraud, a felony.

Nicholas Ralph Bottini; Certified Public Accountant; Webster, NY 14580; Lic. No. 062840; Cal. No. 28369; Application to surrender license granted. Summary: Licensee did not contest the charge of having voluntarily consented to a revocation of the authority to appear or practice as an accountant before the United States Securities and Exchange Commission where the conduct charged resulting in the consent to such revocation would, if committed in New York State, constitute professional misconduct pursuant to New York State Education Law Section 6509(9) (audit deficiencies.)

## **Respiratory Therapy**

Lori Ann Estes; Respiratory Therapist; Ocala, FL 34474; Lic. No. 002188; Cal. No. 28215; Application to surrender license granted. Summary: Licensee admitted to the charge of having provided prescription medication to co-worker.

## **Veterinary Medicine**

David James Howard; Veterinarian; Myrtle Beach, SC 29579; Lic. No. 003301; Cal. No. 28418; Application to surrender license granted. Summary: Licensee did not contest the charge of allowing and directly supervising an unlicensed assistant to extract a dog's left and right upper canine teeth in the State of South Carolina.

## **II. OTHER REGENTS DISCIPLINARY ACTIONS**

### **Architecture**

Peter C. Kurth; Mt. Kisco, NY 10549; Lic. No. 013274; Cal. No. 28057; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$1,500 fine.

### **Dentistry**

Amit Sood; Dentist, Dental Enteral Conscious Sedation; Jackson Heights, NY 11373; Lic. No. 043537, Cert. No. 000666; Cal. Nos. 27318, 27319; Application for consent order granted; Penalty agreed upon: Dentist—1 month actual suspension, 23 month stayed suspension, 3 years probation, \$5,000 fine; Dental Enteral Conscious Sedation—1 year actual suspension to be terminated earlier upon completion of certain coursework, upon early termination of or upon service of actual suspension, 3 years probation.

Erhard Beuttenmuller; Dentist, Dental General Anesthesia; Watertown, NY 13601; Lic. No. 034583, Cert. No. 000526; Cal. Nos. 27805, 27807; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$2,500 fine payable within 6 months.

Agnieszka Kwiatkowski; Dental Hygienist; Miller Place, NY 11764; Lic. No. 025110; Cal. No. 28018; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$1,000 fine.

### **Dietetics and Nutrition**

Melissa Lynn Marlowe; Certified Dietitian/ Nutritionist; Henrietta, NY 14623; Cert. No. 008012; Cal. No. 28050; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

### **Engineering and Land Surveying**

John D. McMahon; Professional Engineer; Orchard Park, NY 14127-3345; Lic. No. 083132; Cal. No. 27774; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Thomas Diana; Professional Engineer; Glen Oaks, NY 11004; Lic. No. 070422; Cal. No. 27921; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

David S. Freeman; Land Surveyor; Glenwood, NY 14069; Lic. No. 050480; Cal. No. 27877; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$7,500 fine.

### **Mental Health Practitioner**

Jefferey Craig Smith; Mental Health Counselor; Amsterdam, NY 12010-7900; Lic. No. 002489; Cal. No. 28204; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice.

## **Nursing**

Charmaine Ericka Harris a/k/a Charmaine Harris; Licensed Practical Nurse; Albany, NY 12208; Lic. No. 280957; Cal. No. 26796; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Mary V. Thue; Licensed Practical Nurse; Fredonia, NY 14063; Lic. No. 270497; Cal. No. 27176; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$250 fine.

Jennifer L. Ramos; Licensed Practical Nurse; Dunkirk, NY 14048; Lic. No. 296251; Cal. No. 27183; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$250 fine.

Lori Mae Brooks; Licensed Practical Nurse; Unadilla, NY 13849; Lic. No. 299047; Cal. No. 27305; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 6 months.

Gerard George Ragoobar; Licensed Practical Nurse; Saint Albans, NY 11412-3805; Lic. No. 299758; Cal. No. 27487; Found guilty of professional misconduct; Penalty: 1 year suspension, execution of suspension stayed.

Yolette M. Battle; Licensed Practical Nurse; Bay Shore, NY 11706; Lic. No. 303584; Cal. No. 27553; Found guilty of professional misconduct; Penalty: Censure and Reprimand, \$500 fine.

Mark Kwame Gyan a/k/a Mark Gyan; Licensed Practical Nurse; Latham, NY 12110-2303; Lic. No. 282306; Cal. No. 27596; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Mary Teresa McConnell a/k/a Maryteresa Dunigan McConnell a/k/a Mary T. McConnell a/k/a Mary McConnell a/k/a Mary Dunigan McConnell a/k/a Mary Dunigan; Registered Professional Nurse; Baldwin, NY 11510-2823; Lic. No. 215835; Cal. No. 27676; Found guilty of professional misconduct; Penalty: 1 year suspension, execution of suspension stayed.

Kelly A. Bolton; Licensed Practical Nurse, Registered Professional Nurse; Tonawanda, NY 14223; Lic. Nos. 270272, 605852; Cal. Nos. 27718, 27719; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Tahirah A. Bones a/k/a Tahirah Bones; Licensed Practical Nurse; Rochester, NY 14620; Lic. No. 290367; Cal. No. 27762; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2

years probation to commence upon return to practice, \$500 fine payable within 6 months.

Glenora Joycynth Burton; Licensed Practical Nurse, Registered Professional Nurse; Saint Albans, NY 11412; Lic. Nos. 268627, 575374; Cal. Nos. 27766, 27767; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Virginia Nardella; Licensed Practical Nurse, Registered Professional Nurse; Mineola, NY 11501; Lic. Nos. 089517, 412658; Cal. Nos. 27772, 27773; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Shereen B. Bennett; Licensed Practical Nurse; Rochester, NY 14609; Lic. No. 290741; Cal. No. 27780; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of last 21 months of suspension stayed, probation 1 year to commence upon actual return to practice.

Michael Adeleke; Licensed Practical Nurse; Bronx, NY 10453-7155; Lic. No. 301709; Cal. No. 27793; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$500 fine.

Laura A. Sweigert; Licensed Practical Nurse, Registered Professional Nurse; Upper Yonkers, NY 10704; Lic. Nos. 203055, 426010; Cal. Nos. 27859, 27860; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions for not less than 1 month and until fit to practice, upon termination of suspensions, 2 years probation to commence if and when return to practice.

Mandi Marcello-Parry; Registered Professional Nurse; Lake Ronkonkoma, NY 11779; Lic. No. 603433; Cal. No. 27893; Application for consent order granted; Penalty agreed upon: 2 month actual suspension commencing October 1, 2015 and terminating November 30, 2015, 21 month stayed suspension, 2 years probation.

Rebecca Greiner a/k/a Rebecca Tully; Registered Professional Nurse; Lake Grove, NY 11755; Lic. No. 584713; Cal. No. 27894; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Jeremy F. Bush; Registered Professional Nurse; Taberg, NY 13471; Lic. No. 565741; Cal. No. 27913; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Maria Serrano; Licensed Practical Nurse; Bronx, NY 10461; Lic. No. 189409; Cal. No. 27916; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of not less than 1 year and until mentally fit to practice, upon termination of

suspension, 2 years probation to commence when and if return to practice, \$1,000 fine payable within 2 months.

Fern B. Siegelstein; Registered Professional Nurse; New York, NY 10025; Lic. No. 294511; Cal. No. 27917; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$2,500 fine.

Julie Ann Reape; Licensed Practical Nurse; Castorland, NY 13620; Lic. No. 171793; Cal. No. 27922; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Lynda Denmeade; Registered Professional Nurse; Fayetteville, NY 13066; Lic. No. 443784; Cal. No. 27924; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 month and until mentally and physically fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Kelly Lynn Spicer; Registered Professional Nurse; Lake View, NY 14085; Lic. No. 649102; Cal. No. 27935; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Susan Carman; Licensed Practical Nurse; Port Leyden, NY 13433; Lic. No. 257400; Cal. No. 27945; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$500 fine.

Mary Thomas; Licensed Practical Nurse; Patchogue, NY 11772; Lic. No. 200643; Cal. No. 27960; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation.

Crystal Marie Hartnett; Registered Professional Nurse; Buffalo, NY 14218-2037; Lic. No. 627939; Cal. No. 27962; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Heather Lynne Graham; Licensed Practical Nurse, Registered Professional Nurse; Ithaca, NY 14850; Lic. Nos. 266520, 540794; Cal. Nos. 27973, 27974; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Paul Henry Lagredelle; Licensed Practical Nurse; Queens Village, NY 11429; Lic. No. 272478; Cal. No. 27977; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, 25 hours public service.

Tara B. Nachimson a/k/a Tara Basha Nachimson; Licensed Practical Nurse; Saugerties, NY 12477; Lic. No. 176593; Cal. No. 27982; Application for consent order granted;

Penalty agreed upon: Indefinite actual suspension for no less than 1 year and until mentally fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

J'mar James Romain; Licensed Practical Nurse; Farmingville, NY 11738; Lic. No. 293007; Cal. No. 27987; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

Erin Marie Lobb; Registered Professional Nurse; Frewsburg, NY 14738; Lic. No. 568692; Cal. No. 28000; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Patrice Lauren Martin a/k/a Patrice Martin; Registered Professional Nurse; East Northport, NY 11731; Lic. No. 475149; Cal. No. 28003; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Amber F. Stapley; Licensed Practical Nurse; Mt. Morris, NY 14510; Lic. No. 288547; Cal. No. 28007; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Tonya L. Barone; Licensed Practical Nurse; Batavia, NY 14020; Lic. No. 292638; Cal. No. 28008; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Linda W. Zurich a/k/a Linda J. Watson; Licensed Practical Nurse, Registered Professional Nurse, Nurse Practitioner (Pediatrics); Macedon, NY 14502; Lic. Nos. 193166, 403007, Cert. No. 381114; Cal. Nos. 28012, 28011, 28010; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions until fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Sandra Kovacevic; Registered Professional Nurse; Spencerport, NY 14559; Lic. No. 640004; Cal. No. 28026; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Matthew John Rudolph; Registered Professional Nurse; Levittown, NY 11756-1560; Lic. No. 666069; Cal. 28042; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Christine M. Peckey; Licensed Practical Nurse; Buffalo, NY 14220; Lic. No. 203681; Cal. No. 28046; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 6 months.

Steven Joseph Latimore; Licensed Practical Nurse; Forestville, NY 14062-0061; Lic. No. 294918; Cal. No. 28047; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Ruth Ann Wilson; Licensed Practical Nurse; Corfu, NY 14036; Lic. No. 247819; Cal. No. 28049; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Deborah M. Humby; Licensed Practical Nurse; Rochester, NY 14606-4138; Lic. No. 302224; Cal. No. 28053; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Roseanna Bowen; Licensed Practical Nurse; Guilderland, NY 12084; Lic. No. 299501; Cal. No. 28055; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Vikki Lynn Grencer; Registered Professional Nurse; Wappingers Falls, NY 12590-5159; Lic. No. 466032; Cal. No. 28060; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until sucessfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation, \$500 fine payable within 4 months.

Lucia Soderland; Licensed Practical Nurse; Lancaster, PA 17602; Lic. No. 301371; Cal. No. 28061; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Marlena Jenks; Registered Professional Nurse; Matamoras, PA 18336; Lic. No. 394330; Cal. No. 28065; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

Danielle Jarvis; Registered Professional Nurse; Port Jefferson, NY 11777; Lic. No. 542877; Cal. No. 28066; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Nancy A. Walling; Licensed Practical Nurse; Willet, NY 13045; Lic. No. 242872; Cal. No. 28069; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Cassondra M. Hvizdak a/k/a Cassondra Mae Hvizdak; Registered Professional Nurse; Gates, NY 14606; Lic. No. 526303; Cal. No. 28071; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Barbara Jeanne Smith; Licensed Practical Nurse; Kingston, NY 12401; Lic. No. 233329; Cal. No. 28075; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until mentally fit to practice, upon termination of suspension, 1 year probation to commence upon return to practice.

Anthony Joseph Cutolo; Licensed Practical Nurse, Registered Professional Nurse; Lindenhurst, NY 11757-3752; Lic. Nos. 285105, 616633; Cal. Nos. 28082, 28083; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Stephanie Agnes Miller; Licensed Practical Nurse; Lindenhurst, NY 11757-1933; Lic. No. 314275; Cal. No. 28088; Application for consent order granted; Penalty agreed upon: 9 month actual suspension, 15 month stayed suspension, 24 months probation.

Eileen E. Chrystal; Registered Professional Nurse; Shoreham, NY 11786; Lic. No. 338379; Cal. No. 28095; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Alisia Danielle McIntyre; Licensed Practical Nurse, Registered Professional Nurse; Poughquag, NY 12570; Lic. Nos. 236377, 491215; Cal. Nos. 28102, 28101; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions for no less than 6 months and until fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice, \$500 fine.

Jamie Van Etten; Licensed Practical Nurse; Liverpool, NY 13090; Lic. No. 315308; Cal. No. 28104; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Louis Michael DeNovio; Licensed Practical Nurse, Registered Professional Nurse; Glenville, NY 12302; Lic. Nos. 154646, 344646; Cal. Nos. 28122, 28100; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Jennifer Caputo; Registered Professional Nurse; Bluepoint, NY 11715; Lic. No. 475504; Cal. No. 28148; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Jennifer L. Porter; Registered Professional Nurse; Belleair, FL 33756; Lic. No. 515749; Cal. No. 28155; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice in the State of New York.

Julie Ann Stokley; Licensed Practical Nurse, Registered Professional Nurse; Riverhead, NY 11901; Lic. Nos. 265093, 580162; Cal. Nos. 28162, 28163; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine, Order shall supersede Deputy Commissioner Order Nos. 26235 and 26236.

Michelle L. Eckert; Licensed Practical Nurse; Las Vegas, NV 89122; Lic. No. 272652; Cal. No. 28220; Application for consent order granted; Penalty agreed upon: 1 year

stayed suspension, 1 year probation to commence upon return to practice in the State of New York.

### **Occupational Therapy**

Annette A. Savitz; Occupational Therapist; Williamsville, NY 14221-2717; Lic. No. 001508; Cal. No. 27912; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence if and when return to practice, \$500 fine payable within 6 months.

Dana Lynne Fern; Occupational Therapist; New York, NY 10016; Lic. No. 010257; Cal. No. 28041; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

### **Pharmacy**

Alex Perchuk; Pharmacist; Fort Lee, NJ 07024; Lic. No. 038575; Cal. No. 27704; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, thereafter 1 year probation, \$10,000 fine payable within 90 days.

Elizabeth A. Stephenson; Pharmacist; Pittsford, NY 14534; Lic. No. 050879; Cal. No. 27923; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

ICC Industries, Inc.; Wholesaler of Drugs; 460 Park Avenue - 7th Floor, New York, NY 10022; Reg. No. 303338; Cal. No. 27946; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$5,000 fine payable within 30 days.

Bethany Ann Kopin; Pharmacist; Rochester, NY 14607; Lic. No. 054590; Cal. No. 28009; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$1,000 fine, Order to supersede Deputy Commissioner Order No. 27256.

Jeffrey B. Waite; Pharmacist; Shelburne, VT 05482; Lic. No. 031147; Cal. No. 28140; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$2,500 fine.

Cindy J. Im; Pharmacist; Lewisville, TX 75067; Lic. No. 055513; Cal. No. 28161; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

### **Physical Therapy**

Michael J. Droney; Physical Therapist; Olean, NY 14760; Lic. No. 018161; Cal. No. 27366; Application for consent order granted; Penalty agreed upon: 3 month actual

suspension, 21 month stayed suspension, 2 years probation, \$5,000 fine payable within 6 months.

Joel L. Meyers; Physical Therapist Assistant, Physical Therapist; Mt. Sinai, NY 11766; Cert. No. 000070, Lic. No. 008570; Cal. Nos. 27429, 27430; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, 100 hours public service.

### **Podiatry**

Nicolas Camarinos; Astoria, NY 11105-2716; Lic. No. 002266; Cal. No. 27435; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$750 fine.

### **Psychology**

William Adam Wiener; New York, NY 10024; Lic. No. 012442; Cal. No. 28153; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

### **Public Accountancy**

Bob C. Jahelka; Certified Public Accountant; Massapequa, NY 11758; Lic. No. 058196; Cal. No. 27867; Application for consent order granted; Penalty agreed upon: 3 month actual suspension commencing October 1, 2015 and terminating December 31, 2015, 9 month stayed suspension, upon termination of actual suspension, 12 months probation, \$5,000 fine payable within 2 months.

Christopher Joseph Sena; Certified Public Accountant; Bayport, NY 11705; Lic. No. 075449; Cal. No. 27868; Application for consent order granted; Penalty agreed upon: 2 month actual suspension commencing January 1, 2016 and terminating February 29, 2016, 10 month stayed suspension, upon termination of actual suspension, 12 months probation, \$2,500 fine payable within 2 months.

### **Respiratory Therapy**

Roy Kenneth Way; Respiratory Therapist; Rochester, NY 14618; Lic. No. 007827; Cal. No. 27996; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

### **Social Work**

Sean Lovell Tolliver; Licensed Clinical Social Worker; West Hempstead, NY 11552-4004; Lic. No. 035509; Cal. No. 27364; Found guilty of professional misconduct; Penalty: \$2,500 fine, 24 month suspension, execution of last 21 months of suspension

stayed, upon service of Order, probation 24 months to run concurrently with suspension and to commence when actual suspension commences.

Jose Jorge; Licensed Master Social Worker; New York, NY 10040; Lic. No. 083676; Cal. No. 28086; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice.

### **Speech-Language Pathology and Audiology**

Robert J. Shprintzen; Speech-Language Pathologist; Manlius, NY 13104; Lic. No. 001384; Cal. No. 27966; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

### **Veterinary Medicine**

Guy R. Hammond; Veterinarian; Bath, NY 14810; Lic. No. 008209; Cal. No. 27339; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$2,500 fine.

Burton D. Miller; Veterinarian; Huntington Station, NY 11746; Lic. No. 004578; Cal. No. 28112; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$5,000 fine.

Dr. Burton Miller DVM P.C.; Huntington Station, NY 11746; Cal. No. 28113; Application for consent order granted; Penalty agreed upon: \$5,000 fine, 2 years probation.

### **III. RESTORATIONS**

The Board of Regents voted on September 17, 2015 to deny the application for restoration of the physician license of Nicholas Lisnichy, Dalton, PA. Dr. Lisnichy's license was originally surrendered May 11, 2005.

The Board of Regents voted on September 17, 2015 to deny the application for restoration of the physician license of Louis Sidoti, Rensselaer, NY. Dr. Sidoti's license was originally revoked effective January 4, 2007.

The Board of Regents voted on September 17, 2015 to deny the application for restoration of the physician license of Hemalathadevi Tarikere, Elmhurst, NY. Dr. Tarikere's license was originally revoked June 25, 1990.

The Board of Regents voted on September 17, 2015 to stay the execution of the order of revocation of the physician license of Miklos Toth, New York, NY, to place him on probation for one year under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Dr. Toth's license was originally revoked June 23, 2009.

The Board of Regents voted on September 17, 2015 to deny the application for restoration of the physician license of Marianne Webster, Wynnewood, PA. Dr. Webster's license was originally surrendered December 27, 2002.

# ATTACHMENT I

## **East Ramapo:**

**Update from the State Monitors**

**September 16, 2015**

## Mission of the Monitoring Team

"Our goal is not just to issue a report. Our goal is for *action* to take place long term and short term. We will not accept anything else."

- Dennis Walcott, Lead Monitor

Source: The Journal News. "East Ramapo monitor Dennis Walcott: 'Our goal is for action.'" September 1, 2015.

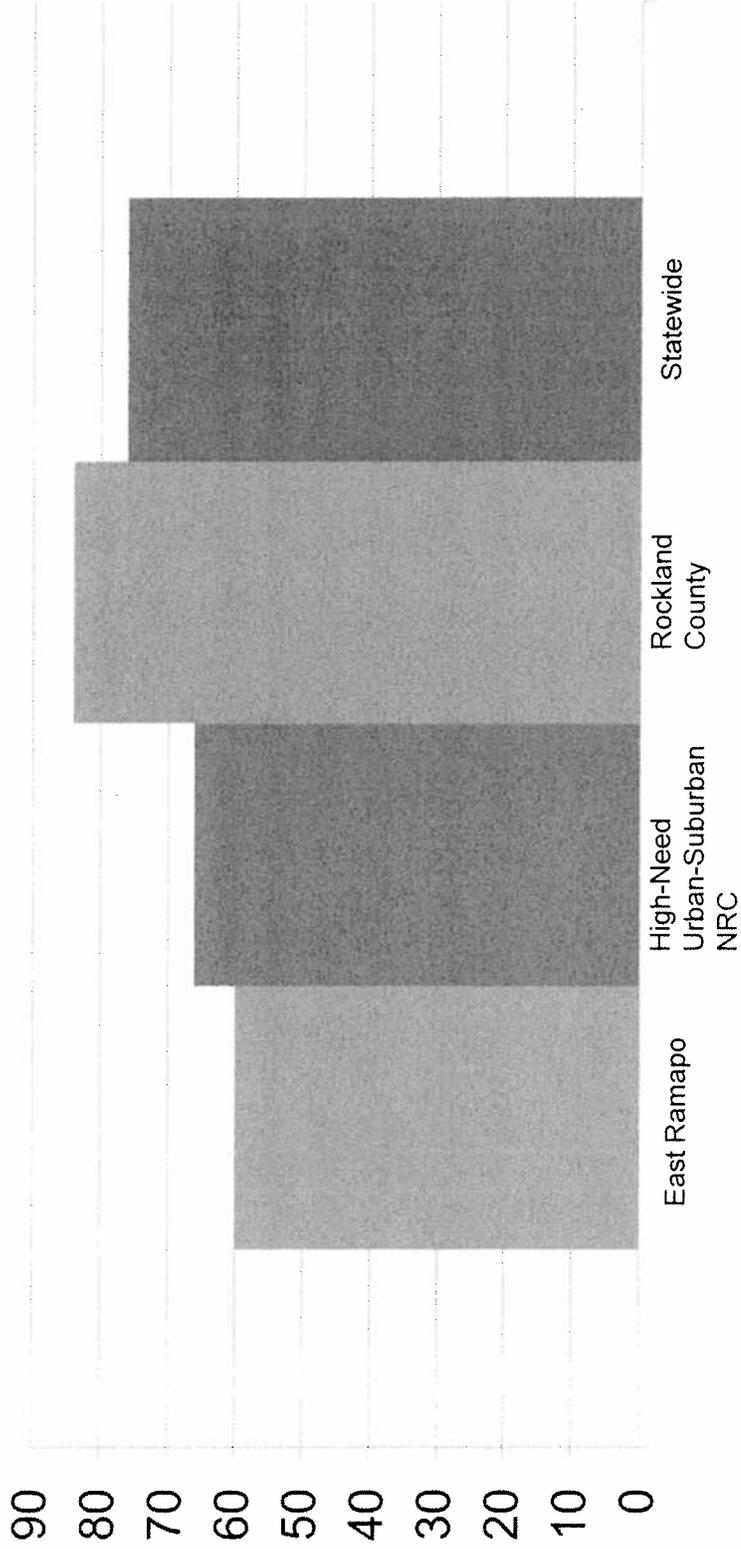
# Timeline of SED's Actions in East Ramapo

Date	Action
June 2014	Commissioner King appoints Hank Greenberg as fiscal monitor for the district.
November 2014	Hank Greenberg issues comprehensive report with findings and recommendations.
January – June 2015	SED works with East Ramapo legislative representatives to draft legislation installing a permanent fiscal monitor in the district. The legislation is passed by the Assembly in June but is not allowed to come for a vote in the Senate.
July 2015	Almost immediately after her appointment, Commissioner Elia announces her intentions to take action in East Ramapo.
August 13, 2015	Commissioner Elia announces the appointment of a Monitoring Team for the East Ramapo School District. The team former New York City schools Chancellor Dennis Walcott includes Monica George-Fields – a school turnaround expert – and John Sipple – a school finance expert.

# Statewide Graduation Rates

## % of Students Graduating After 4 Years

Results through June 2014, All Students



Source: SED Office of Information and Reporting Services

# Completion vs. Readiness

East Ramapo's 4-year high school graduation rate is 60% for All Students. However, the percent graduating college and career ready is significantly lower.

## June 2014 Graduation Rate

### Graduation under Current Requirements

	% Graduating
All Students	60%
Asian/Pacific Islander	86%
Black	63%
Hispanic	50%
White	55%
English Language Learners	10%
Students with Disabilities	45%

### Calculated College and Career Ready\*

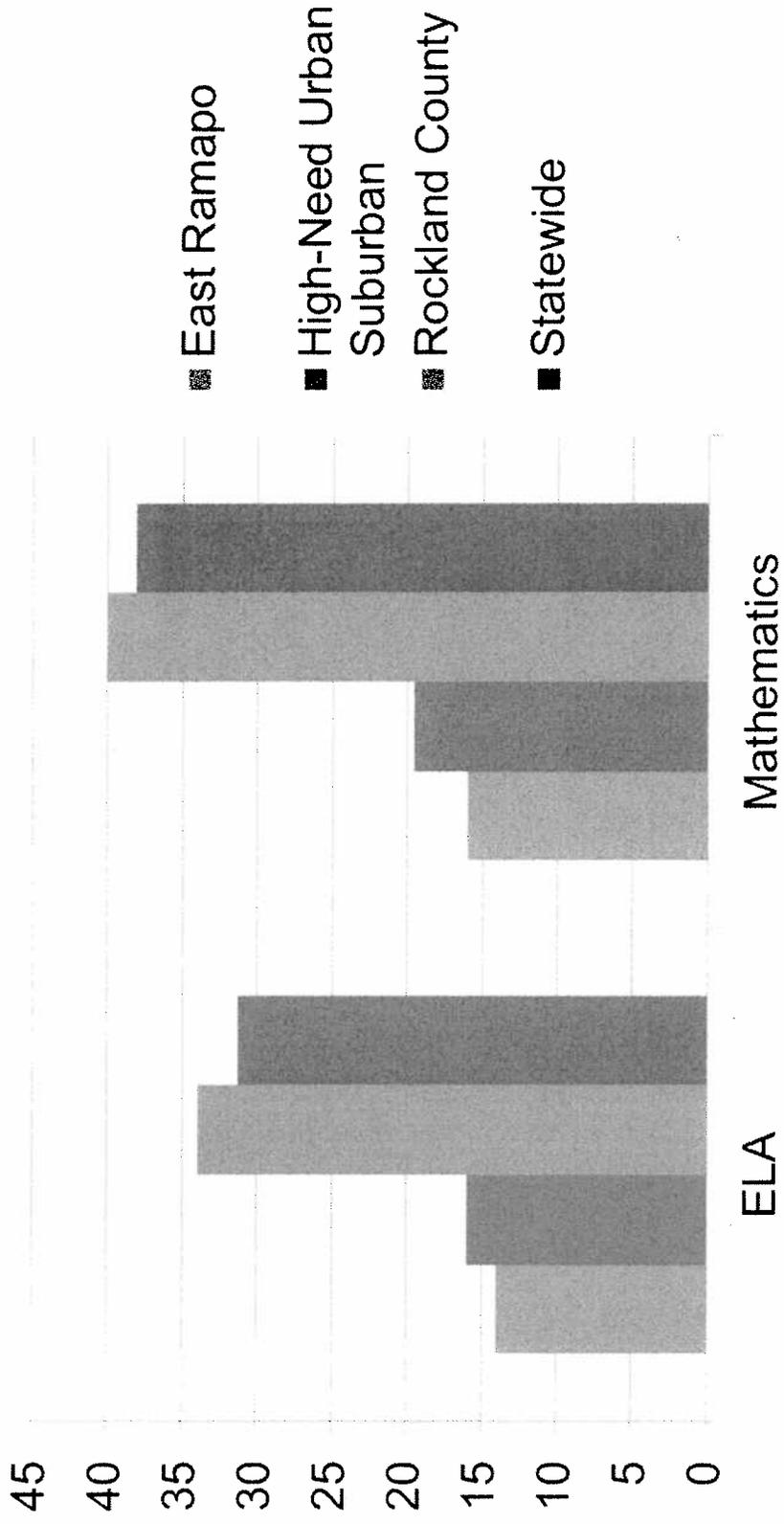
	% Graduating
All Students	14%
Asian/Pacific Islander	51%
Black	12%
Hispanic	10%
White	13%
English Language Learners	0%
Students with Disabilities	2%

\*Students graduating with at least a score of 75 on Regents English and 80 on a Math Regents, which correlates with success in first-year college courses.

Source: NYSED Office of Information and Reporting Services

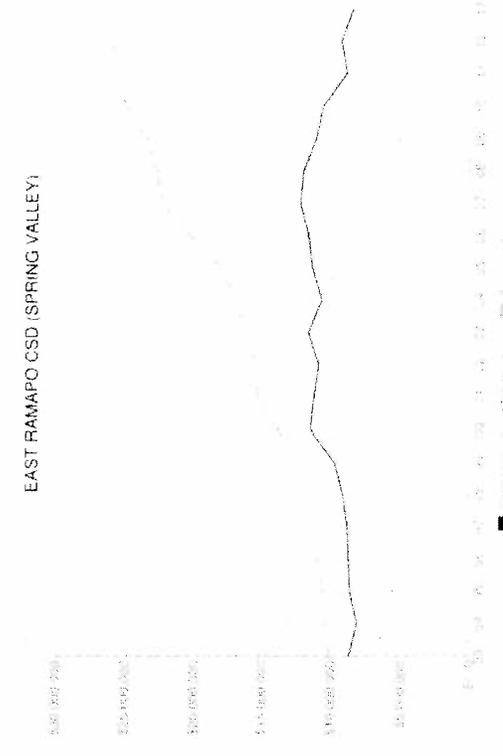
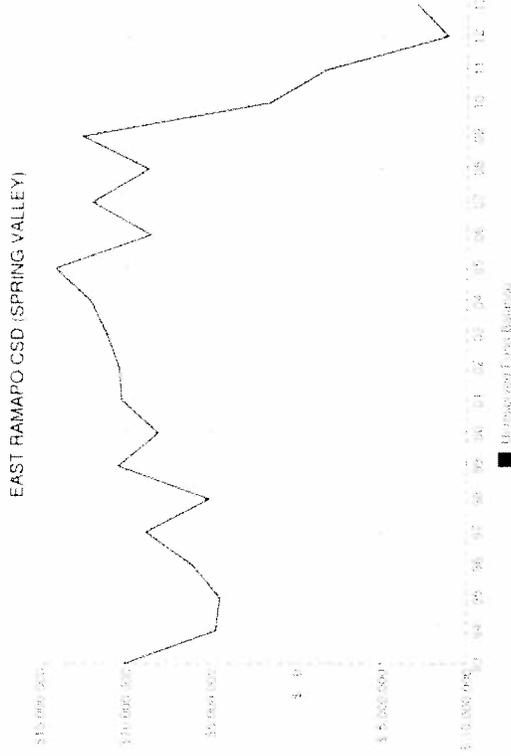
# Grades 3-8 Test Results

% of Test Takers in 2015 who scored at Level 3 and Above



# Multiple Indicators Point to a District in Distress

- **Enrollment:** The District's private school population continues to grow quickly, while the public school enrollment remains relatively stable but includes high-need student populations.
- **Fund Balance:** The District exhausted a significant fund balance over the course of a few years.
- **Transportation:** The costs to transport students has grown at rates far higher than other statewide trends, and is expected to grow given enrollment trends.



Source: NYS:ED School District Financial Profiles (<http://data.ed.nys.gov/data/financial-profiles-cover.html>)

# Commissioner's Charge to the Monitoring Team

## Charge

Maintain a regular presence in the District.

Maintain a cooperative and collaborative relationship with the board of education.

Communicate extensively with and be responsive to the community.

Provide regular updates and reports on findings to the Department, including a final report in December.

## Anticipated Outcome

The members the Monitoring Team will identify areas of educational and operational need and provide on-demand technical assistance and best practices recommendations to provide opportunities for more immediate improvements.

By maintaining a functioning working relationship with the board of education, the Monitor Team will be in a better position to assist the district in improving educational and operational outcomes. However, the team will not shy away from keeping the district accountable as indicated by their findings.

Allow for the community to provide real-time information to the Monitoring Team about areas of concern regarding educational or operational practices of the district, and provide the community with credible and reliable updates about activities of the team, the board and the district.

The Monitors have been directed to report findings regularly to the Department so that the Commissioner may act as necessary in accordance with the Department's oversight authority.

# Maintain a Regular Presence in the District

- Since the Team's appointment in August, they have together and individually spent significant time in the District meeting with representatives of the board, the administration, as well as teachers, principals and members of the community. Highlights include:
  - Announced and unannounced school visits both before and after the first day of school;
  - Open lines of communication with the Board president and Superintendent, as well as other key staff in the District; and
  - Attendance and participation at board meetings held since the appointment of the team.

# Maintain a Cooperative and Collaborative Relationship

- Each member of the Monitoring Team has visited the district and met with the key staff in the District office that they will be interacting with during this process. Highlights include:
  - The Board has invited the Monitoring Team to attend executive sessions, except for discussions related to personnel and litigation.
  - The Monitoring Team attended and contributed to staff professional development before the beginning of the school year.
  - The Monitoring Team has met with the Superintendent and the Cabinet, as well as principals and district transportation and fiscal staff.

# Communicate Extensively with and Be Responsive to the Community

- The Team has maintained regular and meaningful communication with members of the community, in both formal and informal settings. Highlights include:
  - Impromptu meetings with parents and students in the community at laundromats, parking lots, and barber shops, as well as more formal and organized settings such as church services and with the leader of the local NAACP chapter;
  - Responsive and timely email communications with members of the community; and
  - Meetings with all the state level elected representatives of the district, as well as the District's representative in the US House of Representatives.

# Regular Updates and Reports on Findings to the Department

- SED has dedicated staff support to the Monitoring Team, including from the Commissioner's Office, Office of Counsel, and the Office of P-12 Education (including Accountability, Bilingual Education and World Languages, Special Education, Transportation, and Facilities). The Monitors have already identified several action items for these offices, as well as for the local board of education. Highlights include:
  - Identification of timely facility needs to be addressed with legislative capital funds and EXCEL funds;
  - Establishment of a process for timely and accurate responses to public comment by the board of education;
  - Investigation of the use of Title I funding;
  - Review of district capital upgrades and scheduling concerns; and
  - Development of professional development practices for the district senior leadership.

# Next Steps for the Monitoring Team

- The Monitors will host a public forum on October 1 at 7pm the Cultural Arts Center to hear directly from members of the community. The event will be open to the public. Details about the event will be announced in the coming week.
- The Monitors will make recommendations regarding the district's use of approximately \$1 million in facilities/capital expenditures.
- A blog will be launched to provide regular updates to the community regarding the activities of the Monitors (available at [www.nysed.gov](http://www.nysed.gov)).
- The Monitors will continue to meet with local stakeholders and advocacy groups. Meetings are currently scheduled with Padres Unidos and the Rockland Clergy for Social Justice.
- The Monitors will establish a plan in conjunction with the district for professional development for board members.
- The Monitors will meet with school leaders to discuss educational practice and support of teaching and learning within their buildings.

**engage**<sup>ny</sup>

Our Students. Their Moment.

**Thank You.**

**Follow the Monitors online at:**

**[www.nysed.gov](http://www.nysed.gov)**

**Contact the Monitors:**

**[Dennis.Walcott@nysed.gov](mailto:Dennis.Walcott@nysed.gov)**

**[Monica.George-Fields@nysed.gov](mailto:Monica.George-Fields@nysed.gov)**

**[John.Sipple@nysed.gov](mailto:John.Sipple@nysed.gov)**

**engage**<sup>ny</sup>