



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

**TO:** The Honorable the Members of the Board of Regents

**FROM:** Douglas E. Lentivech

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

**DATE:** September 17, 2013

**AUTHORIZATION(S):**

#### SUMMARY

#### Issue for Decision

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

#### Reason(s) for Consideration

Review of Policy.

#### Proposed Handling

This matter has gone before the Professional Practice Committee and will be voted on by the Full Board for action as an emergency measure at the September 2013 meeting of the Board of Regents. A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached.

#### Procedural History

A Notice of Emergency Adoption and Proposed Rule Making regarding the proposed amendment will be published in the State Register on October 9, 2013. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

## **Background Information**

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

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

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

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

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

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

The proposed amendment would increase from one to two the number of Regents sitting on the Committee and would authorize the Chancellor to appoint additional Committee members, upon consultation with the Board. As the Board of Regents makes the final determinations regarding the standards and processes to be followed in reviewing applications for approval to place students in long-term clinical

clerkships and also makes the final determinations on such applications, the process would benefit from having an additional Regent serving on the Committee. Authorizing the Chancellor to appoint additional appropriate Committee members, and to remove and replace members who have been absent for three or more consecutive Committee meetings, would create greater flexibility in providing the Committee with the expertise needed to address issues that arise in its work or that are assigned to it by the Department or the Board of Regents.

### **Recommendation**

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

VOTED: That paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 24, 2013, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to allow for the appointment of an additional member of the Board of Regents to the Advisory Committee on Long-Term Clinical Clerkships prior to the Committee's next meeting on October 25, 2013, and to permit the Chancellor to remove and replace any Committee member who fails to attend three or more consecutive Committee meetings.

### **Timetable for Implementation**

It is anticipated that the proposed amendment will be submitted for adoption as a permanent rule by the Board of Regents at its meeting in December 2013. If approved at that time, the permanent rule would become effective December 31, 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education is amended, effective September 24, 2013, as follows:

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

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

(ii) ...

(iii) ...

(iv) ...

(v) ...

(vi) ...

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

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

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

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

## 8 NYCRR 60.2

### STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The proposed amendment to the Regulations of the Commissioner of Education is necessary to allow for the appointment of an additional member of the Board of Regents to the Advisory Committee on Long-Term Clinical Clerkships prior to the Committee's next meeting on October 25, 2013, and to permit the Chancellor to remove and replace any Committee member who fails to attend three or more consecutive Committee meetings.

Because the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for adoption on a non-emergency basis, after expiration of the required 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the December 16-17, 2013 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the December meeting, would be December 31, 2013, the date a Notice of Adoption would be published in the State Register. However, the next meeting of the Advisory Committee on Long-Term Clinical Clerkships takes place on October 25, 2013, and it will be important to have the participation of the additional Committee member at that meeting.

Emergency action is necessary for the preservation of the public health and general welfare to allow for the appointment of an additional member of the Board of Regents to the Advisory Committee on Long-Term Clinical Clerkships prior to the Committee's next meeting on October 25, 2013, and to permit the Chancellor to remove and replace any Committee member who fails to attend three or more consecutive Committee meetings.

It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the December 16-17, 2013 meeting of the Board of Regents, after publication in the State Register and expiration of the 45-day public comment period on proposed rule makings required by the State Administrative Procedure Act.