



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

TO: The Professional Practice Committee

FROM: Valerie Grey

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

DATE: June 6, 2011

AUTHORIZATION(S):

Summary

Issue for Decision

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

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted, as a second emergency measure, to the Professional Practice Committee at its June 2011 meeting for its approval. It will then be presented to the Full Board at its June 2011 meeting for its adoption as an emergency measure.

Procedural History

At its meeting in February 2011, the Board of Regents approved a plan for the establishment of an advisory committee on clinical clerkships. The proposed amendment implementing that plan was adopted, as an emergency measure, by the Board of Regents at its April 2011.

Background

The proposed amendment to section 3.2 of the Rules of the Board of Regents authorizes the PPC to review the recommendations of the Department regarding applications by dual-campus international medical schools to place students in long-term clinical clerkships in New York.

The proposed amendment of section 60.2 of the Regulations of the Commissioner of Education establishes and describes the composition of the Advisory Committee on Long-Term Clinical Clerkships, and specifies the terms of the Committee members. The Committee, which would be appointed by the Chancellor after consultation with the Board of Regents, would include representatives from the Board of Regents, the State Education Department, the Department of Health, registered New York State medical schools, dual-campus international medical schools, hospitals that serve as clinical clerkship sites, and physicians experienced in evaluating medical education. The proposed regulations also define the duties of the Committee, including the development of standards and processes by which dual-campus international medical schools seeking authorization to operate in New York State would be evaluated. The Committee would also be responsible for appointing an appropriate site review team for each school which seeks approval. After consideration of the site review report, the Committee would issue a report and recommendation to the Department, with minority opinions reflected, as to whether an application for authorization to place students in a long-term clinical clerkship should be approved. After consideration of the Committee's recommendations, the Department would make a recommendation to the Board of Regents as to whether an application should be approved. Until the Board of Regents approves the new standards and processes, schools currently approved for such purpose would continue to be subject to the current standards and processes.

Recommendation

VOTED: That paragraph (5) of subdivision (d) of section 3.2 of the Rules of the Board of Regents and that section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 28, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to establish an Advisory Committee to review and establish standards and procedures for the approval of applications for the placement of students from dual-campus international medical schools into long-term clinical clerkships in New York State and to ensure that the proposed amendment remains continuously in effect until it can be adopted as a permanent rule.

Timetable for Implementation

If adopted as an emergency measure at the June 2011 Regents meeting, the proposed amendment will become effective June 28, 2011. Recommendations for appointments to the Advisory Committee are expected to be made within the next month. It is also anticipated that the Board of Regents will permanently adopt the proposed amendment at its July meeting and it will become effective as a permanent rule on August 11, 2011.

**STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ADOPTION**

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

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

Emergency action is necessary to ensure that all programs that seek either a continuing approval or a first-time approval to place students in long-term clinical clerkships will be evaluated in a timely manner using uniform criteria and standards of review. Without emergency action, the reevaluation of programs that have already been approved and the approval of programs seeking first-time approval will be delayed. Additionally, emergency action is necessary at the June Board of Regents meeting in order to ensure that the rule remains continuously in effect until it can be adopted as a permanent rule at the July Regents meeting.

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

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

1. Paragraph (5) of subdivision (d) of section 3.2 of the Rules of the Board of Regents is amended, effective June 28, 2011, to read as follows:

(5) Committee on Professional Practice:

(i) ...

(ii) ...

(iii) ...

(iv) ...

(v) ...

(vi) ...

(vii) ...

(viii) ...

(ix) ...

(x) reviews and approves appointments to the State [Board] Boards for the Professions; [and]

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

(xii) reviews recommendations of the Department relating to applications from international medical schools to place their students in long-term clinical clerkships in New York State.

2. Section 60.2 of the Regulations of the Commissioner of Education is amended, effective June 28, 2011, to read as follows:

§60.2 Clinical clerkships.

(a) Definitions: As used in this Part:

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

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

(b) ...

(c) ...

(d) ...

(e) ...

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

(1) Upon consultation with the Board of Regents, the Chancellor shall appoint an Advisory Committee on Long-Term Clinical Clerkships. The Committee shall serve in a consultative and advisory capacity on matters pertaining to the standards and process for approving international medical schools to place their students in long-term clinical clerkships in New York State and shall perform such specific tasks as are assigned by the Department or the Board of Regents.

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

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

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

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

(iv) one representative of the Department of Health;

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

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

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

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

(2) Terms of members. The terms of the members of the first committee appointed pursuant to subparagraphs (v) through (viii) of paragraph (1) of this subdivision shall be so arranged that the terms of two members shall expire on June 30, 2013, the terms of two on June 30, 2014, and the terms of two on June 30, 2015, and the terms of two on June 30, 2016. Thereafter, all members appointed pursuant to subparagraphs (v) through (viii) of paragraph (1) of this subdivision shall be appointed to serve a term of four years each, beginning with the first day of July next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created other than by the expiration of a term shall be for

the unexpired term. Members shall serve no more than two terms in succession, except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration. Members may again serve two terms in succession after a gap in service of at least four years.

(3) Duties of the Advisory Committee on Long-Term Clinical Clerkships. The committee shall gather and study existing research on relevant issues, such as health workforce demands and trends, health workforce diversity and Board of Regents policy determinations. Based on such research and policy determinations, the committee shall:

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

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

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

(iv) after consideration of the site review report, issue a report and recommendation, with minority opinions reflected, as to whether an application for placement of students in a long-term clinical clerkship should be approved.

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

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