



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: Johanna Duncan-Poitier
Johanna Duncan-Poitier

COMMITTEE: Higher and Professional Education

TITLE OF ITEM: Proposed Promulgation of Regulations of the Commissioner of Education Relating to Professional Licensure in Medical Physics

DATE OF SUBMISSION: January 13, 2003

PROPOSED HANDLING: Approval

RATIONALE FOR ITEM: To Implement Statute

STRATEGIC GOAL: Goal 3

AUTHORIZATION(S): *[Signature]* *[Signature]*

SUMMARY:

Attached for emergency action is a proposed promulgation of section 52.31 and Subpart 79-8 of the Regulations of the Commissioner of Education relating to professional licensure in medical physics. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

The purpose of the proposed regulations is to implement the provisions of Article 166 of the Education Law by establishing the education, experience, and examination requirements for licensure as a medical physicist; requirements for granting licensure without examination for prescribed individuals with experience in the field; requirements for granting limited permits and licensure by endorsement; and standards for registered college programs that lead to licensure in this profession.

The recommended action is proposed as an emergency measure because such action is necessary for the preservation of the general welfare in order to implement the requirements of Article 166 of the Education Law, designed to ensure the competency of applicants for licensure in a specialty of medical physics, by the effective date of that statute. A statement of facts and circumstances underlying the need for emergency action is attached.

A Notice of Proposed Rule Making concerning the proposed amendment will be published in the State Register on February 5, 2003. A Notice of Emergency Adoption will also be published in the State Register on March 12, 2003.

I recommend that the Regents take the following action:

VOTED: That section 52.31 and Subpart 79-8 of the Regulations of the Commissioner of Education be added, as submitted, effective February 25, 2003, 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 implement the requirements of Article 166 of the Education Law, designed to ensure the competency of applicants for licensure in a specialty of medical physics, by the effective date of that statute.

Attachments

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 210, 6501, 6504, 6507, 6508, 8701, 8702, 8703, 8705 8706, and 8708 of the Education Law.

1. Section 52.31 is added to the Regulations of the Commissioner of Education, effective February 25, 2003, as follows:

52.31 Medical physics.

(a) Definitions. As used in this section: acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the United States Department of Education.

(b) In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading

to licensure in a specialty of medical physics as defined in
section 8701 of the Education Law, the program shall be offered
by a college or university accredited by an acceptable
accrediting agency or an equivalent institution, as determined
by the department, and shall be a master's or doctoral degree
program in medical physics, physics, another physical science,
mathematics, engineering or an equivalent field, containing at
least 10 semester hours, or the equivalent, of coursework which
includes but is not limited to: radiation protection, radiation
biology, dosimetry, instrumentation, and a supervised clinical
experience, as such coursework and experience pertain to such
medical physics specialty.

2. Subpart 79-8 is added to the Regulations of the
Commissioner of Education, effective February 25, 2003, as
follows:

Subpart 79-8

Medical Physics

79-8.1 Definitions. As used in this Subpart: acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the United States Department of Education.

79-8.2 Education requirement. To meet the professional education requirement for licensure as a medical physicist in this State, the applicant shall present satisfactory evidence of completion of:

(a) a masters or doctoral degree program, offered by a college or university accredited by an acceptable accrediting agency or an equivalent institution, as determined by the department, where such program is either:

(1) registered by the department pursuant to section 52.31

of this Title; or

(2) accredited by an acceptable accrediting agency; or

(3) otherwise determined by the department to be the

equivalent of such a registered or accredited program; or

(b) a master's or doctoral degree program, other than a program described in subdivision (a) of this section, offered by a college or university accredited by an acceptable accrediting agency or an equivalent institution, as determined by the department, in medical physics, physics, another physical science, mathematics, engineering, or an equivalent field, which incorporated or was supplemented by education and/or experience in radiation protection, radiation biology, dosimetry, instrumentation, and clinical applications thereof, as such education and experience pertain to the specialty area for which the applicant seeks licensure. Such training shall ensure that

the applicant has acquired the equivalent education and clinical experience as that obtained in a program registered pursuant to section 52.31 of this Title.

79-8.3 Experience. To meet the experience requirement for licensure as a medical physicist in this State, the applicant shall present satisfactory evidence of completion of at least two years of full-time work experience or its equivalent in the medical physics specialty for which the applicant seeks licensure, including at least one year of full-time work experience or its equivalent within the five years preceding the date of application. Such work experience shall be within the practice of a medical physics specialty, in accordance with definitions of the specialty in section 8701 of the Education Law and the practice of medical physics in section 8702 of the Education Law. For purposes of this section, a year of full-

time work experience or its equivalent shall mean a minimum of 1,200 clock hours in the medical physics specialty.

79-8.4 Examination. To meet the examination requirement for professional licensure as a medical physicist in this State, the candidate shall pass an examination that is determined by the department to measure the applicant's knowledge, judgement, and skills concerning the practice of each medical physics specialty for which the applicant seeks licensure, in accordance with the definitions of the specialty in section 8701 of the Education Law and the practice of medical physics in section 8702 of the Education Law.

79-8.5 Limited Permits.

(a) The following persons shall be eligible for a limited permit in a specialty area of medical physics:

(1) an individual who meets all the requirements for licensure as a medical physicist except those relating to examination and/or experience; or

(2) a student who is enrolled in a graduate program at the master's degree level or above approved by the department.

(b) A permittee shall be authorized to practice only under the direct and immediate supervision of a licensed medical physicist and only in a specialty or specialties for which such medical physicist is licensed. For purposes of this section, direct and immediate supervision means the continuous physical presence of the supervisor during the performance of activities in the practice of medical physics as defined in section 8702 of the Education Law.

(c) A limited permit shall be valid for two years and may be renewed by the department for additional two-year periods for up to a total of no more than six years.

79-8.6 Special Provisions.

(a) An applicant shall not be required to meet the examination requirements for licensure as prescribed in section 79-8.4 of this Subpart provided that by August 25, 2004 the applicant:

(1) has filed an application and paid the required statutory fees to the department;

(2) is at least 21 years of age; and

(3) either:

(i) possesses a bachelor's degree from a college or university accredited by an acceptable accrediting agency or from an equivalent institution, as determined by the department, in medical physics, physics, another physical science, mathematics, engineering, or an equivalent field and at least 15 years of full-time work experience or its equivalent in the medical physics specialty for which application is made; or

(ii) possesses a master's or doctoral degree from a college or university accredited by an acceptable accrediting agency or from an equivalent institution, as determined by the department, in medical physics, physics, another physical science, mathematics, engineering, or an equivalent field and at least two years of full-time work experience or its equivalent in the five years preceding the date of application in the medical physics specialty for which application is made. For such applicants possessing the master's or doctoral degree, for each additional specialty for which application is made, the applicant shall be required to possess at least one year or more of full-time work experience or its equivalent in that specialty in the ten years preceding the date of application.

(b) For purposes of this section, a year of full-time work experience or its equivalent shall mean a minimum of 1,200 clock hours in the medical physics specialty.

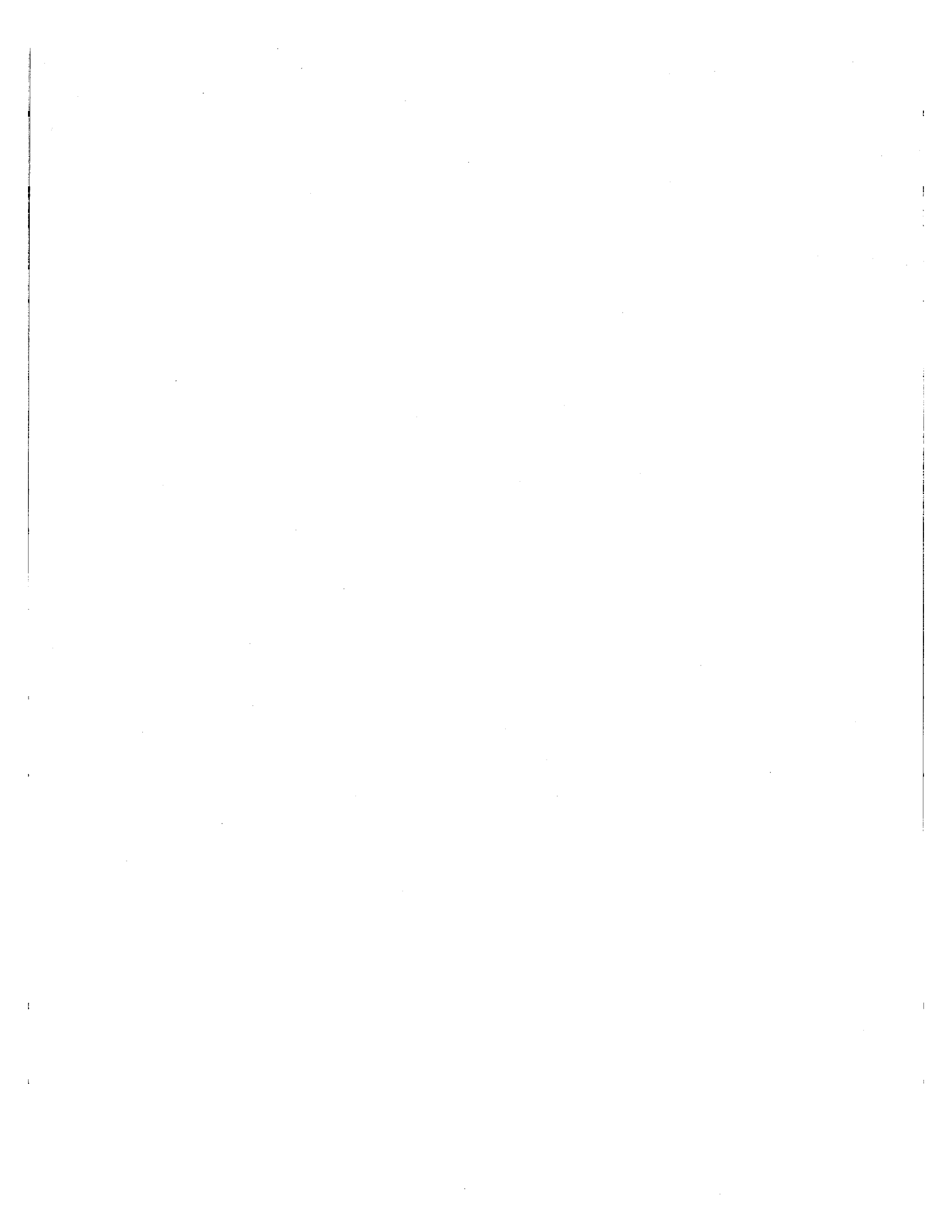
79-8.7 License by endorsement.

Notwithstanding the requirements of section 59.6 of this Title, a license to practice medical physics issued by another state, territory, or jurisdiction may be accepted by the department for licensure in New York State provided that the following conditions are met:

(1) an application has been made and all required fees paid to the department;

(2) the requirements for such license have been determined by the department to be substantially the same as the requirements of Article 166 of the Education Law; and

(3) the applicant meets all other requirements for professional licensure as a medical physicist in this State.



PROPOSED PROMULGATION OF SECTION 52.31 AND SUBPART 79-8 OF THE
REGULATIONS OF THE COMMISSIONER OF EDUCATION PURSUANT TO
SECTIONS 207, 6501, 6504, 6507, 6508, 8701, 8702, 8703, 8705,
8706, AND 8708 OF THE EDUCATION LAW RELATING TO PROFESSIONAL
LICENSURE IN MEDICAL PHYSICS

STATEMENT OF FACTS AND CIRCUMSTANCES

WHICH NECESSITATE EMERGENCY ACTION

Chapter 495 of the Laws of 2001 added a new Article 166 to
the Education Law. Article 166 of the Education Law establishes
medical physics as a new licensed profession in New York State.
The proposed regulations will implement the provisions of
Article 166 of the Education Law by establishing the education,
experience, and examination requirements for licensure as a
medical physicist; requirements for granting licensure without
examination for prescribed individuals with experience in the
field; requirements for granting limited permits and licensure

by endorsement, and standards for registered college programs that lead to licensure in this profession.

Emergency action is necessary for the preservation of the general welfare in order to implement the requirements of Article 166 of the Education Law, designed to ensure the competency of applicants for licensure in a specialty of medical physics, by the effective date of the statute, May 21, 2003.

Article 166 of Education Law provides that only a person licensed under that Article may practice the profession of medical physics, upon its effective date, unless an exemption applies. To be able to issue licenses in the medical physics specialties by May 21, 2003, the State Education Department will have to immediately begin reviewing license applications.

Application reviews cannot begin until the necessary forms and computer systems are in place. The specific requirements contained in these regulations must be included in these forms

and systems. Without emergency action, the Department will not be able to license individuals by the date mandated in statute.

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at its April 28-29, 2003 meeting, which is the first scheduled meeting after the expiration of the 45-day public comment period mandated by the State Administrative Procedure Act.