



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:** Anthony Lofrumento  
**SUBJECT:** Summary of the June 2012 Meeting

**DATE:** April 13, 2012

**AUTHORIZATION(S):**

*John B. G. Jr.*  
**Executive Summary**

Issue for Decision

Review of the Summary of the June 2012 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of June 2012 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 June 2012 meeting.

Timetable for Implementation

Effective July 16, 2012.

**VOTED**, that the Summary of the June 2012 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE JUNE MEETING  
OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF THE STATE OF NEW YORK***

***Held at the State Education Building***

***Albany, New York  
June 18 and 19, 2012***

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

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

The Board of Regents of The University of the State of New York held public sessions on Monday, June 18, 2012 at 9:00 a.m. and Tuesday, June 19, 2012 at 11:25 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, June 18 at 9:00 a.m.**

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

Chancellor Merryl H. Tisch  
Anthony S. Bottar, Vice Chancellor  
Robert M. Bennett, Chancellor Emeritus  
James C. Dawson  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell  
T. Andrew Brown

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Merryl H. Tisch called the meeting to order at 9:00 a.m.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Tuesday June 19, 2012 at 10:55 a.m. to discuss personnel and litigation matters.

**Motion by:** Vice Chancellor Anthony S. Bottar  
**Seconded by:** Regent Geraldine D. Chapey  
**Action:** Motion carried unanimously

**Action Item**

**ESEA Waiver  
BR (A) 6**

**MOVED**, that section 100.18 of the Regulations of the Commissioner of Education is added, subdivision (m) of section 100.2 is amended, subparagraph (i) of paragraph (3) of subdivision (c) of section 100.17 is amended, and sections 120.3 and 120.4 are amended, as submitted, effective July 1, 2012, 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 conform the Commissioner's Regulations to implement New York State's approved Elementary and Secondary Education Act (ESEA) Flexibility Request, so that school districts may timely meet school/school district accountability requirements for the 2012-2013 school year and beyond, consistent with the approved ESEA Flexibility Request and pursuant to statutory requirements.

**Motion by:** Regent James C. Dawson  
**Seconded by:** Regent Harry Phillips, 3<sup>rd</sup>  
**Action:** Motion carried unanimously

**Addition of Section 100.2(kk) of the Commissioner's Regulations, Relating to  
Reporting Requirements Under the Dignity for All Students Act  
BR (A) 3**

**MOVED**, that the that subdivision (kk) of section 100.2 of the Regulations of the Commissioner of Education be added, as submitted, as an emergency action, effective July 1, 2012, 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 revised proposed rule takes effect on the July 1, 2012 effective date of Chapter 482 of the Laws of 2010 so that, so that the requirements for reporting of material incidents of discrimination and/or harassment will be timely implemented.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Harry Phillips, 3<sup>rd</sup>  
**Action:** Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting at 9:45 a.m.

**MEETING OF THE FULL BOARD, Tuesday, June 19 at 11:25 a.m.**

**Board Members in Attendance:**

Chancellor Merryl H. Tisch  
Anthony S. Bottar, Vice Chancellor  
James C. Dawson  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell  
T. Andrew Brown

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento., Chancellor Emeritus Robert M. Bennett, Regents Geraldine D. Chapey and Betty A. Rosa were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:25 a.m.

**ACTION ITEMS**

**Charter Applications for June 2012  
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 May 2012 Meeting of the Board of Regents  
BR (A) 2 - REVISED**

**MOVED**, that the Summary of the May 2011 Meeting of the Board of Regents of The University of the State of New York be approved.

**Regents Monthly Meeting Dates, January - December 2013  
BR (A) 4**

**MOVED**, that the list of Regents meeting dates for the period January – December 2013 is approved.

**Motion by:** Regent Harry Philips, 3<sup>rd</sup>  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried unanimously

**PROGRAM AREA CONSENT ITEMS**

**Higher Education**

**Berkeley College: Regents Authorization to Authorize the College to Award the  
Bachelor of Science (B.S.) Degree at its Brooklyn Branch Campus  
BR (CA) 1**

**MOVED**, that the Board of Regents authorize Berkeley College to confer the Bachelor of Science (B.S.) degree on students successfully completing registered programs at the College's branch campus in Brooklyn.

**Laboratory Institute of Merchandising: Regents Authorization to Authorize LIM to  
Award the Master of Professional Studies (M.P.S.) Degree  
BR (CA) 2**

**MOVED**, that the Board of Regents authorize the Laboratory Institute of Merchandising to confer the Master of Professional Studies (M.P.S.) degree on students successfully completing registered programs.

**Reappointments to the State Professional Standards and  
Practices Board of Teaching  
BR (CA) 3**

**MOVED**, that the Board of Regents approve the following reappointments to the State Professional Standards and Practices Board for Teaching: Sharon Eghigian (teacher member) to complete the term beginning June 18, 2012 and ending June 30, 2016, Getrude Bantle (teacher member) to complete the term beginning June 18, 2012 and ending June 30, 2016.

It is recommended that the Board of Regents approve the following change of membership category to the State Professional Standards and Practices Board for Teaching: Julius Adams from a higher education member to a public member and to complete the term beginning June 18, 2012 and ending June 30, 2016.

**Renewal of Permission to Operate for Biola University's Talbot School of  
Theology to Offer Courses in New York State  
BR (CA) 4**

**MOVED**, that the Board of Regents renew the permission of Biola University's Talbot School of Theology to offer courses from its Master of Divinity (M.Div.) program in New York City for a period ending on May 31, 2017, retroactive to June 1, 2012.

**P-12 Education**

**Registration of Nonpublic High Schools Visited on 2011-12  
BR (CA) 5**

**MOVED**, that the following three schools, which participated in the 2011-12 nonpublic high school registration program, be registered:

<b><u>School</u></b>	<b><u>County</u></b>	<b><u>BEDS Code</u></b>
Hope Hall	Monroe	260401999477
New LIFE School	Bronx	320700996063
Northeastern Academy	New York	310600436469

**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) 6**

**MOVED**, the proposed (re)appointments by approved.

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 7**

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

**Regents Permission to Operate in New York State: Castleton State College  
BR (CA) 8**

**MOVED**, that the Regents approve the proposed permission to operate, effective June 19, 2012, which authorizes Castleton State College to use one clinical agency in New York for clinical education of students enrolled in its Nursing program leading to the Associate in Science degree.

**Regents Permission to Operate in New York State: University of St. Francis  
BR (CA) 9**

**MOVED**, that the Regents approve the proposed permission to operate, effective June 19, 2012, which authorizes the University of St. Francis' College of Nursing to use 2 agencies in New York for clinical education of students enrolled in its Family Nurse Practitioner programs leading to either the M.S.N. degree or post-master's Advanced Certificate.

**Motion by:** Regent Harry Philips, 3<sup>rd</sup>  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion carried unanimously, with the exception of Regent Roger Tilles who voted 'nay on BR (CA) 4.

**Addition of Section 136.5 and Amendment of Section 135.4 of the  
Commissioner's Regulations, Relating to the Concussion  
Management Awareness Act  
P-12 (A) 3**

**MOVED**, that section 136.5 of the Regulations of the Commissioner of Education be added; and that subclauses (2) and (3), and subitem (A) of item (i) of subclause (4), of clause (c) of subparagraph (i) of paragraph (7) of subdivision (c) of section 135.4 and item (xi) of subclause (2) of clause (d) of subparagraph (i) of paragraph (7) of subdivision (c) of section 135.4, be amended, as submitted, effective July 3, 2012.

**Motion by:** Vice Chancellor Anthony S. Bottar  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously

**DISCUSSION ITEM**

**Enrollment and Retention Targets for Charter Schools  
P-12 (D) 2  
BR (D) 1**

**MOVED**, that the Board of Regents accept the February 2011 State Education Department Fiscal Report as presented.

**Fiscal Report Update**

Valerie Grey provided an update to the Board.



## **STANDING COMMITTEE REPORTS**

### **P-12 EDUCATION COMMITTEE**

Your P-12 Education Committee held its scheduled meeting on June 18, 2012. All members were present.

#### **ACTION ITEMS**

##### **Charter Schools**

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will 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 and issues the third renewal charter of the Opportunity Charter School as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2017. [P-12 (A) 1]

Your Committee recommends that the Board of Regents approves and issues a charter and provisional charter to the Brilla College Preparatory Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law. [P-12 (A) 2]

Your Committee recommends that the Board of Regents approves and issues a charter and provisional charter to the Harlem Hebrew Language Academy Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law. [P-12 (A) 2]

Your Committee recommends that the Board of Regents approves and issues a charter and provisional charter to the South Bronx Classical Charter School II for a term of five years in accordance with §2851(2)(p) of the Education Law. [P-12 (A) 2]

##### **Concussion Management Awareness Act**

Due to time constraints, this item was moved to the June 19, 2012 full Board meeting for action. [P-12 (A) 3]

##### **Roosevelt UFSD and State Oversight Authority**

Your Committee recommends that the Board of Regents endorse the Commissioner's continued oversight of the District until June 30, 2013 through the following actions:

- Periodic visitation of the District and continued monitoring of the board of education by the Commissioner and/or his designee(s) with quarterly reports to the Board of Regents;
- Extension of the Superintendent's contract for an additional year in accordance with the terms and conditions therein and relevant provisions of law;
- Monitoring the implementation of Education Law §3012-c (Teacher and Principal evaluation system) and provision of technical assistance as needed;
- Provision of technical assistance in the completion of and, if approved, implementation of a School Improvement Grant at the high school.;
- Provision of technical assistance in the collection and reporting of district and school level data;
- Continue the fiscal oversight authority, including the appointment of a fiscal administrator, until June 30, 2013. The fiscal administrator will continue to provide progress reports to the Department on a quarterly basis. [P-12 (A) 4]

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

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on June 19, 2012, copies of which have been distributed to each Regent.

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

Graduation Rate Update – Commissioner John King provided an update on recently released graduation rate data stating that statewide graduation rates are increasing slowly, but are still too low for our students to be competitive; graduation rates remain low for English language learners and students with disabilities; and the overall graduation rate achievement gap has remained stable – the widest gap being for the Advanced Designation diploma. The Committee discussed Aspirational Performance Measures (APMs) currently being used by schools and districts (Advanced Regents Diploma Percentage and ELA/Math). The Department will update these APMs as new research findings become available and as State assessments become aligned with the Common Core Standards.

Special Education Impartial Hearings – The Committee discussed proposed amendments to regulations relating to special education impartial hearings. The proposed amendments were discussed at the January 2012 P-12 Education Committee meeting. Due to extensive public comment the proposed amendments have been further revised and will be published in the State Register for a 30-day public comment period. The proposed amendment will be brought back to the Regents in September for permanent adoption. [P-12 (D) 1]

Enrollment and Retention Targets for Charter Schools – due to time constraints, this item will be discussed at the June 19, 2012 meeting of the Board of Regents. [P-12 (D) 2]

High School Career Credential – the Committee discussed proposed principles and policy directions for the establishment of a high school career credential that could be awarded as a supplement to the regular high school diploma and, for those students with disabilities who are unable to earn a regular diploma, as a replacement to the individualized education program (IEP) diploma. This item will be discussed further at the July Retreat. [P-12 (D) 3]

Safety Net for Students with Disabilities – The Committee discussed proposed amendments to regulations that would expand the safety net options to also authorize a school district to award a local diploma to a student with a disability if the student:

1. scores between 45-54 on one or more of the five required Regents exams, other than the English or mathematics exam, but scores higher than 65 on one or more of the required Regents exams, in which case the lower score(s) can be compensated by the higher score(s); and
2. obtains a passing score in the subject area of the Regents examination in which he or she received a score of 45-54;
3. has an attendance rate of at least 95 percent for the school year during which the student took the Regents examination in which he or she received a score of 45-54, exclusive of excused absences; provided that
4. a student may not use the compensatory score option if the student is using a passing score on one or more RCTs to graduate with a local diploma.

The proposed amendments will be brought back to the Regents at the October 2012 meeting for action. [P-12 (D) 4]

CTE Technical Skills Assessment Study – The Department recommended that the Board of Regents commission an operational study, led by researcher Stephen F. Hamilton, Cornell University, and supported by researcher William C. Symonds, Harvard University, to develop a methodology by which comparability of selected CTE technical assessments to Regents exams might be determined. The study will guide decisions on the establishment of a CTE graduation pathway. A report will be provided to the Committee at the September 2012 meeting of the Board of Regents. [P-12 (D) 5]

Content Panel on Strengthening the CTE Continuum – The Committee continued their discussion on expanding CTE integrated course options and recommended that the Department appoint a statewide content panel of practitioners to develop guidelines for strengthening the CTE K-12 learning continuum. The content panel will address the gaps seen in the CTE learning continuum statewide. The Committee suggested that the panel also address cost implications for CTE programs and consider other CTE

content areas beyond the current six areas (agriculture, business and marketing, family and consumer sciences, health occupations, technology, and trade and technical). Recommendations of the content panel will be reported to the Board of Regents in September. The Department will identify potential revisions in Commissioners Regulations needed to implement the recommendations of the content panel. [P-12 (D) 6]

NYS Growth Model for Educator Evaluation – The Committee was provided with an update on internal and external processes relating to Educator Evaluation, including an update on the Review Room where over 600 school districts have logged in to receive information. Updates were provided on various studies relating to teacher effectiveness; the American Institutes for Research (the Department's growth and value-added vendor); and the Technical Advisory Committee. Discussion focused on two major points: measuring student growth and not achievement, and measuring growth compared to similar students.

Consent Agenda Items - The Committee discussed the following items scheduled for approval on the Full Board consent agenda:

- Petition of the Hornell City School District for Consent to Exceed the Constitutional Debt Limit.
- Proposed rule relating to the requirements of the Concussion Management Awareness Act.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on June 18, 2012. All members were present.

### Action Items

Renewal of Institutional Accreditation Utica School of Commerce. Your Committee voted to approve the renewal the institutional accreditation of the Utica School of Commerce for a period of ten years, with the condition that all recommendations in the report be met by May 22, 2014, with a progress report due within two years of the date of Regents action on this application for renewal of accreditation.

Renewal of Institutional Accreditation: Christie's Education, Inc. Your Committee voted to approve the renewal the institutional accreditation of Christie's Education, Inc. for a period of five years, with the condition that all recommendations in the report be met by May 22, 2014, with a progress report due on that date, and a follow-up review visit made at the discretion of the Department.

**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 June 19, 2012, copies of which have been distributed to each member of the Board of Regents.

Other matters not requiring action:

Program Approval and Master Plan Amendment Process. Your Committee discussed the proposed changes to the Master Plan Amendment and Program Registration process. The changes reflect efforts to make the process more transparent and predictable for degree granting higher education institutions. It includes the development of additional guidance for applicants and establishes time frames for the review process.

Submission of Application for Accreditation to USED. Your Committee received an update on the Department's submission of its application for the U.S. Department of Education and next steps in the process.

## **AUDIT/BUDGET AND FINANCE**

The Regents Committee on Audits/Budget and Finance met as scheduled yesterday afternoon June 18, 2012. Vice Chair Bendit, Chancellor Tisch, Regents Brown, Cottrell, Phillips, Tallon, Tilles, and Young were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone and stressed the important role financial issues play in the implementation of the Reform Agenda.

### **Items for Discussion**

Presentation by the New York State Council of School Superintendents (NYSCOSS) and New York State Association of School Board Officials (NYSASBO)

The Committee was briefed by representatives from NYSCOSS and NYSASBO on how school districts are addressing and responding to the various school districts audits. The presentation discussed the history of the accountability legislation as it relates to school districts and described the efforts of both organizations in assisting school districts in awareness of audit findings and in providing training and other information.

### **Completed Audits**

The Committee was presented with 19 audits this month. One audit was issued by the Office of Audit Services (OAS), 17 by the Office of the State Comptroller (OSC), and 1 by the Office of the New York City Comptroller. Fifteen of the audits were of school districts, one examined the cost effectiveness of non-instructional services at four BOCES, one was of a Charter school, one examined a degree granting college's Tuition

Assistance Program (TAP) payments and one examined a provider of supplemental education services to the NYCDOE.

The members received a more detailed briefing on an audit of the Williamsburg Charter High School and the Comptroller's audit of Cost Effectiveness of Non-Instructional Services at four BOCES.

## **CULTURAL EDUCATION**

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on June 19, 2012.

In attendance were committee members: Regents Tilles, Bendit, Dawson, Cea, Jackson and Cottrell. Absent: was Regent Rosa.

In addition to CE Committee Members, in attendance were: Chancellor Tisch, Vice Chancellor Bottar, Regents Tallon, Cashin, Phillips and Brown; Commissioner King and Executive Deputy Commissioner Grey.

## **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles briefly discussed his thoughts on building the arts into the accountability system.

Deputy Commissioner Jeffrey Cannell introduced State Librarian Bernard Margolis and welcomed Mr. Margolis back after an extended absence.

State Librarian Margolis provided a report on the "road map" for developing a statewide vision for library service, using the report from the Advisory Council on Libraries, Creating the Future: A 2020 Vision and Plan for Library Service in New York State- Next Steps as the basis for the analysis. The report was delivered to the Committee at its April 2012 meeting. Mr. Margolis indicated that the first step will be outreach to stakeholders, not to acquire additional recommendations, but to help develop the roadmap for developing and implementing the vision.

The committee discussed the road map and discussed the importance of libraries generally in developing literate communities and in closing the achievement gap.

## **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on June 19, 2012. All Committee Members were present, except for Regent Geraldine D. Chapey who was excused. Regents T. Andrew Brown and Kathleen M. Cashin were also present, but did not vote on any case or action.

## 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 9 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 54 consent order applications and 7 surrender applications be granted.

These recommendations are made following the review of 70 cases involving nine registered professional nurses, nine licensed practical nurses, seven dentists, seven licensed practical nurses who are also registered professional nurses, seven pharmacists, two certified public accountants, two chiropractors, two clinical laboratory technologists, two professional engineers, two psychologists, one architect, one chiropractor who is also a certified dietitian-nutritionist, one clinical laboratory technician, one dental hygienist, one licensed master social worker, one massage therapist, one occupational therapist, one pharmacy, one physical therapist, one podiatrist, and one registered professional nurse who is also a nurse practitioner with a specialty area of practice in Adult Health and with another specialty area of practice in Family Health.

### **Restorations**

Your Committee recommends the following:

That the application of Glenn Chippendale for the restoration of his license to practice as a registered professional nurse in New York State be granted. [PPC EXS (A) 4]

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

That the execution of the Order of Surrender of the license of Marwan Karnabi to practice as a pharmacist in New York State be stayed; that he be placed on probation for a period of 1 year under various terms and conditions, as set forth in Exhibit A attached to the Report of the Committee on the Professions; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 6]

That the application of Zayer Rizvi for the restoration of his license to practice as a professional engineer in New York State be denied. [PPC EXS (A) 7]

### **Approvals**

Your Committee recommends approval of the following:

**Regulations Relating to the Professional Study, Experience Requirements, and Licensing Examination for Licensure of Landscape Architects** – That sections 79-1.1 and 79-1.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 11, 2012. [PPC (A) 1]

**Regulations Relating to Occupational Therapy** – That subdivision (b) of section 76.4 of the Regulations of the Commissioner of Education be amended; that section 76.5 be repealed and section 76.7 be renumbered as section 76.5; that section 76.6 be renumbered as section 76.8 and that new sections 76.6, 76.7, and 76.9 be added, all as submitted, effective July 15, 2012, 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 February Regents meeting, and readopted at the April Regents meeting, remains continuously in effect until a revised proposed rule can be presented for adoption and made effective as a permanent rule. [PPC (A) 2]

**Regulations Relating to the Licensure of Physical Therapists** – That section 77.1 of the Regulations of the Commissioner of Education be amended and the sections 52.41 and 77.11 of the Regulations of the Commissioner of Education be added, all as submitted, effective August 17, 2012, as an emergency measure 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 implement Chapter 410 of the Laws of 2011, which becomes effective August 17, 2012, in a timely manner. [PPC (A) 3]

**Regulations Relating to Electronic Prescriptions and to Electronic Recordkeeping by Pharmacists** – That section 29.7(a) of the Rules of the Board of Regents and section 63.6(a)(7) of the Regulations of the Commissioner of Education be amended, as submitted, effective July 11, 2012. [PPC (A) 4]

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

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 June 19, 2012, 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 [Oral Report]

- Full Board Consent Agenda Items
  - Board (Re)Appointments
  - Licensing Petitions
  - Permission to Operate:



- University of St. Francis' College
- Castleton State College
- Updates on OP Initiatives
  - Technology Update
  - Staffing/Productivity Update
  - Legislative Update
  - Update on the Regents Advisory Workgroup on Healthcare
  - Status of Corporate Practice Waivers
  - Update on Report to the Legislature regarding the Licensure of Individuals providing certain Mental Health Services.

**MOVED**, that all June 2012 Committee reports be accepted.

**Motion by:** Regent James C. Dawson  
**Seconded by:** Regent Harry Phillips 3<sup>rd</sup>  
**Action:** Motion carried unanimously.

## **PRESENTATION**

### **Announcement of Scholarship Recipients**

Regent James C. Dawson announced the recipients of the Chancellor McGovern Scholarships, the Regent Griffith Scholarship and the Regent Vander Veer Scholarship. The recipients are as follows:

Chancellor McGovern Scholarships – Ashley Segarra and Ann Vachaparambil  
Margaret Snow VanderVeer Scholarship – Krishna Pandya  
Regent Emlyn I. Griffith Scholarship – Joseph Caldwell

Chancellor Merryl H. Tisch adjourned the meeting at 12:00 p.m..

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

**Summary Table**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Museum of Magic	CE	Kings	Amend charter to change the corporate address and to extend provisional charter for five years.
Niagara Aerospace Museum	CE	Niagara	Amend charter to change the corporate address and to extend provisional charter for five years.
The Pine Hollow Arboretum	CE	Albany	Amend charter to change corporate address and as so amended, replace and restate the provisional charter as a Regents certificate of incorporation.
Town of Dayton Historical Society	CE	Cattaraugus	Amend charter to change corporate name to "Dayton Historical Society" and grant an absolute charter.
Westville Historical Organization	CE	Franklin	Amend charter to change location to the Town of Westville, Franklin County, New York.
The Child Development Council	P-12	Broome	Extend provisional charter for three years.
City of Faith Christian School	P-12	Bronx	Extend provisional charter for three years.
Mount St. Joseph Academy	P-12	Erie	Dissolve provisional charter.

The New Life School	P-12	New York	Amend charter to: <ul style="list-style-type: none"> <li>• specify the location of the corporation as the City, County and State of New York;</li> <li>• describe the students to be served by grade level (grades 5 through 12) instead of age level;</li> <li>• specify that the corporation will operate at 831 Eagle Avenue, Bronx, NY and/or such other locations as may be approved by the Department, and delete authority to operate at 2125 Watson Ave., Bronx, NY;</li> <li>• specify the membership of the corporation as members of the board of directors of Lutheran Social Services of New York, Inc., or any successor thereto;</li> </ul> and, as amended, grant absolute charter.
New York State Council of School Superintendents	P-12	Albany	Amend charter to update IRS dissolution language.

Northern Chautauqua Catholic School	P-12	Chautauqua	<p>Amend charter to:</p> <ul style="list-style-type: none"> <li>• delete and replace section 3 of the charter relating to the composition of the board of trustees;</li> <li>• delete and replace section 7 item (L) of the charter pertaining to the powers of the trustees and members of the corporation regarding real and personal property;</li> <li>• delete and replace section 11 concerning dissolution language to reflect changes for the distribution of any remaining assets for the support of Catholic education for the community served by the corporation or, in the alternative, for the Diocese of Buffalo;</li> </ul> <p>and extend the charter for three years.</p>
Peconic Community School	P-12	Suffolk	Grant provisional charter for three years.
Rockland Jewish Academy	P-12	Rockland	Grant provisional charter for three years.
The Research Foundation of State University of New York	HE	Albany	<p>Amend charter to:</p> <ul style="list-style-type: none"> <li>• change the corporate name to “The Research Foundation for The State University of New York”;</li> <li>• change number of trustees to be not less than thirteen nor more than seventeen; and</li> <li>• update IRS language.</li> </ul>
Manhattan Institute for Psychoanalysis	OP	New York	Amend charter to include the provision of licensure qualifying program in psychoanalysis and amend purposes to meet current law, rule and regulation.

## APPENDIX II

### REGENTS ACTIONS IN 70 PROFESSIONAL DISCIPLINE CASES AND 4 RESTORATION PETITIONS

June 18-19, 2012

The Board of Regents announced disciplinary actions resulting in the revocation of 4 licenses, the surrender of 7 licenses, and 59 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 4 restoration petitions.

#### I. REVOCATIONS AND SURRENDERS

##### Chiropractic

**Christopher Fronczak**; Victor, NY 14564; Lic. No. 009579; Cal. No. 26117; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Health Care Fraud.

##### Dentistry

**Scott D. Geise**; Dentist; Newfane, NY 14108; Lic. No. 042088; Cal. No. 25951; **Found guilty of professional misconduct; Penalty:** Revocation.

**Juan G. Mesa**; Dentist; Chicago, IL 60618; Lic. No. 053729; Cal. No. 25997; **Application to surrender license granted. Summary:** Licensee did not contest the charge of having been disciplined in the State of Illinois.

##### Engineering and Land Surveying

**Pedro J. Flaquer**; Professional Engineer; Blooming Grove, NY 10914; Lic. No. 065024; Cal. No. 26099; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Accepting Bribes, a felony.

**Tahseen Haider Syed**; Professional Engineer; Richmond Hill, NY 11419; Lic. No. 072187; Cal. No. 26176; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Wire Fraud, a felony.

##### Nursing

**Danielle M. Devito**; Licensed Practical Nurse; Stillwater, NY 12170; Lic. No. 265248; Cal. No. 25907; **Found guilty of professional misconduct; Penalty:** Revocation.

**Timothy Alan Courtney**; Registered Professional Nurse; Ayers, MA 01432; Lic. No. 559596; Cal. No. 26137; **Application to surrender license granted. Summary:**

Licensee did not contest the charge of having been convicted of Advertising for the Receipt and Possession of Child Pornography.

**Timothy John Doyle**; Licensed Practical Nurse, Registered Professional Nurse; West Islip, NY 11795-1110; Lic. Nos. 267898, 566442; Cal. Nos. 26150, 26151; **Application to surrender licenses granted. Summary:** Licensee did not contest the charge of inappropriately communicating with two eighth/ninth grade girls through Facebook and texting.

**Anna M. Medina a/k/a Anna M. Reid-Covington a/k/a Anna M. Reid**; Licensed Practical Nurse, Registered Professional Nurse; Syracuse, NY 13207; Lic. Nos. 128029, 309859; Cal. Nos. 26160, 26154; **Found guilty of professional misconduct; Penalty:** Revocation.

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

### **Architecture**

**Warren Bohn**; New York, NY 10011; Lic. No. 016336; Cal. No. 26091; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$5,000 fine.

### **Chiropractic**

**John Ernest Weisberg**; East Aurora, NY 14052; Lic. No. 003440; Cal. No. 24472; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 6 months, 1 year suspension, probation 2 years to commence upon actual return to practice.

**Gregory P. Richardson**; Rochester, NY 14621; Lic. No. 010866; Cal. No. 26043; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

### **Clinical Laboratory Technology**

**Philip John Newby**; Clinical Laboratory Technologist; Penn Yan, NY 14527-9170; Lic. No. 002202; Cal. No. 25703; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Paul R. Chichester**; Clinical Laboratory Technologist; Middleburgh, NY 12122; Lic. No. 006459; Cal. No. 25750; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Gregory John Burnell**; Clinical Laboratory Technician; Plattsburgh, NY 12903-4201; Cert. No. 001934; Cal. No. 26162; **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.

## **Dentistry**

**Robert Allen Convissar**; Dentist; New York, NY 10003-1503; Lic. No. 035183; Cal. No. 25384; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$2,500 fine payable within 1 month.

**Shahryar Sedgh**; Dentist; Brooklyn, NY 11206; Lic. No. 047141; Cal. No. 25969; **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successfully complete course of retraining in said certain area, 2 year stayed suspension, 2 years probation, \$1,500 fine.

**Yuri Krainov**; Dentist; Brooklyn, NY 11218; Lic. No. 046221; Cal. No. 25987; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation.

**Suzanne R. Resseguie**; Dental Hygienist; Lockport, NY 14094; Lic. No. 019512; Cal. No. 26131; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 6 months, indefinite suspension until alcohol abuse-free and until fit to practice, subsequent to termination of suspension, probation 2 years to commence upon actual return to practice.

**Pascale Regine Chery**; Dentist; Ocoee, FL 34761; Lic. No. 050132; Cal. No. 26139; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$1,000 fine payable within 3 months.

**Eddy Alberto Ferreira-Popa**; Dentist; Jackson Heights, NY 11372; Lic. No. 043295; Cal. No. 26232; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$5,000 fine.

## **Dietetics and Nutrition**

**John Ernest Weisberg**; Certified Dietitian-Nutritionist; East Aurora, NY 14052; Cert. No. 003840; Cal. No. 24473; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 6 months, 1 year suspension, probation 2 years to commence upon actual return to practice.

## **Massage Therapy**

**Clara Misook Cho**; Flushing, NY 11355-3884; Lic. No. 020777; Cal. No. 26006; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$2,500 fine.

## Nursing

**Toni M. Miller**; Licensed Practical Nurse; Troy, NY 12180; Lic. No. 269804; Cal. No. 25318; **Found guilty of professional misconduct; Penalty:** \$500 fine, 24 month suspension, execution of last 18 months of suspension stayed, probation 24 months, execution of last 18 months of probation tolled to commence upon actual return to practice.

**Gillian Fiona Foster**; Registered Professional Nurse; Staten Island, NY 10310; Lic. No. 598860; Cal. No. 25920; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$1,000 fine.

**Kathleen Dymes Miller a/k/a Kathleen Dymes**; Licensed Practical Nurse, Registered Professional Nurse; Cortlandt Manor, NY 10567-5139; Lic. Nos. 222187, 467602; Cal. Nos. 25956, 25955; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 24 months probation.

**Susan Lyn Case**; Registered Professional Nurse; Broadalbin, NY 12025; Lic. No. 419787; Cal. No. 25981; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Kimberly Michelle Keiffer**; Licensed Practical Nurse; Rochester, NY 14626; Lic. No. 291053; Cal. No. 26041; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Sandra Diane Anscombe**; Licensed Practical Nurse; Rochester, NY 14620-3546; Lic. No. 248040; Cal. No. 26062; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 10 month stayed suspension, 1 year probation to commence upon return to practice.

**Grace Elizabeth Beauchamp**; Licensed Practical Nurse, Registered Professional Nurse; Medford, NY 11763-2135; Lic. Nos. 276356, 563730; Cal. Nos. 26064, 26065; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 35 month stayed suspension, 3 years probation to commence upon return to practice.

**Donna Brown-Joerg**; Licensed Practical Nurse; Willsboro, NY 12996; Lic. No. 282553; Cal. No. 26066; **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.

**Elyse J. Flader**; Registered Professional Nurse; Stony Brook, NY 11790; Lic. No. 266800; Cal. No. 26067; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 2 years probation.



**Kimberly Burlingame a/k/a Kimberly Sable**; Licensed Practical Nurse, Registered Professional Nurse; Williamsville, NY 14221; Lic. Nos. 235414, 483991; Cal. Nos. 26071, 26070; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Delores Gallop Laverpool**; Licensed Practical Nurse; Hempstead, NY 11550; Lic. No. 084956; Cal. No. 26076; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Jeanne Marie McNeely**; Registered Professional Nurse; Nesconset, NY 11767; Lic. No. 584356; Cal. No. 26080; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Kathy A. Lopez**; Licensed Practical Nurse, Registered Professional Nurse; Matawan, NJ 07747; Lic. Nos. 202161, 418328; Cal. Nos. 26089, 26090; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension until successful participation in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice in State of New York.

**Robin Jennings Huff**; Registered Professional Nurse; Dadeville, AL 36853; Lic. No. 514817; Cal. No. 26109; **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 in State of New York.

**Jacqueline L. Brasie**; Licensed Practical Nurse; Chittenango, NY 13037; Lic. No. 256871; Cal. No. 26116; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 10 month stayed suspension, 1 year probation.

**Joseph Nvayo Ndongwa**; Registered Professional Nurse, Nurse Practitioner (Adult Health), Nurse Practitioner (Family Health); Rochester, NY 14626; Lic. No. 468215, Cert. Nos. 302487, 334735; Cal. Nos. 26140, 26141, 26142; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Marie C. Barta a/k/a Marie Christine Ronca**; Licensed Practical Nurse, Registered Professional Nurse; Schenectady, NY 12306-2031; Lic. Nos. 208926, 485273; Cal. Nos. 26143, 26144; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$750 fine.

**Sharon Anne Peters**; Registered Professional Nurse; Patchogue, NY 11772-3226; Lic. No. 308789; Cal. No. 26152; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation.

**Tina M. Vanschaffel**; Licensed Practical Nurse; Marion, NY 14505; Lic. No. 280393; Cal. No. 26157; **Found guilty of professional misconduct; Penalty:** 2 year suspension, execution of last 1 year of suspension stayed.

**Melinda L. Monk a/k/a Melinda L. Rich**; Licensed Practical Nurse; Rochester, NY 14624; Lic. No. 261094; Cal. No. 26158; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Robin J. Masse**; Registered Professional Nurse; Santa Cruz, CA 95062; Lic. No. 505007; Cal. No. 26159; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Andrea Gyl Mele**; Registered Professional Nurse; Elmira, NY 14904; Lic. No. 411137; Cal. No. 26163; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation to commence upon return to practice.

### **Occupational Therapy**

**Cynthia D. Edwards**; Occupational Therapist; Bronx, NY 10469; Lic. No. 006190; Cal. No. 25994; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

### **Pharmacy**

**RVK Pharmacy Ltd.**; Pharmacy; 170 Dyckman Street, New York, NY 10040; Reg. No. 029272; Cal. No. 25398; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$10,000 fine payable within 30 days.

**Timothy Michael Dannehy**; Pharmacist; Slingerlands, NY 12159; Lic. No. 042130; Cal. No. 25737; **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, \$1,000 fine payable within 6 months.

**William Wong**; Pharmacist; New Hyde Park, NY 11040; Lic. No. 048327; Cal. No. 25879; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$1,500 fine.

**Donald Rossi**; Pharmacist; Smithtown, NY 11787-4823; Lic. No. 028335; Cal. No. 26042; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$1,000 fine.

**Mohammed Zulfikar Somji**; Pharmacist; Levittown, NY 11756-3507; Lic. No. 053276; Cal. No. 26078; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$5,000 fine.

**Douglas Neil Kassan**; Pharmacist; Saint Petersburg, FL 33701; Lic. No. 042407; Cal. No. 26110; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 3 months.

**Michael E. Odre**; Pharmacist; Orchard Park, NY 14127-4425; Lic. No. 035812; Cal. No. 26115; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$1,000 fine.

**Hyman Abramchick**; Pharmacist; Cornville, AZ 86325; Lic. No. 030667; Cal. No. 26178; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 3 months.

### **Physical Therapy**

**Amadika Bienta Hospedales**; Physical Therapist; Mount Vernon, NY 10553; Lic. No. 024372; Cal. No. 26061; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$2,500 fine.

### **Podiatry**

**David Elliott Shaffer**; Flushing, NY 11354; Lic. No. 003318; Cal. No. 25966; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$10,000 fine.

### **Psychology**

**David J. Funari**; Granville, NY 12832; Lic. No. 004986; Cal. No. 25980; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 2 years and until mentally fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$1,500 fine payable within 6 months.

**Andrew G. Adler**; Scarsdale, NY 10583; Lic. No. 014088; Cal. No. 26111; **Application for consent order granted; Penalty agreed upon:** 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$3,000 fine.

### **Public Accountancy**

**Emil S. Rufolo**; Certified Public Accountant; Staten Island, NY 10314; Lic. No. 046774; Cal. No. 26213; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$1,000 fine.

**Franklin H. Bromberg**; Certified Public Accountant; Plainview, NY 11803-3713; Lic. No. 030699; Cal. No. 26216; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$2,500 fine.

### **Social Work**

**Geetanjeellie Devi Gopi**; Licensed Master Social Worker; Elmhurst, NY 11373; Lic. No. 076563; Cal. No. 26074; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation.

### **III. RESTORATIONS**

The Board of Regents voted on June 19, 2012 to grant the application for restoration of the registered professional nurse license of Glenn Chippindale. Mr. Chippindale's license was originally revoked October 24, 1987.

The Board of Regents voted on June 19, 2012 to deny the application for restoration of the physician license of Julius Goepp. Dr. Goepp's license was originally surrendered October 1, 2004.

The Board of Regents voted on June 19, 2012 to grant the application for restoration of the registered pharmacist license of Marwan Karnabi. Mr. Karnabi's license was originally surrendered September 10, 2004.

The Board of Regents voted on June 19, 2012 to deny the application for restoration of the professional engineer license of Zayer Rizvi. Mr. Rizvi's license was originally surrendered September 13, 2002.