



**NEW YORK STATE ASSEMBLY**

**A N N U A L**

**2 0 1 2**

**R E P O R T**



**Committee on  
Higher Education**

**Deborah J. Glick, Chair**

**SHELDON SILVER, SPEAKER**



DEBORAH J. GLICK  
Assemblymember 66<sup>th</sup> District  
New York County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education

COMMITTEES  
Environmental Conservation  
Governmental Operations  
Rules  
Ways & Means

December 15, 2012

The Honorable Sheldon Silver, Speaker  
New York State Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Silver:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2012 Annual Report which highlights our activities over the past year.

The 2012 Legislative Session was a productive one. The 2012-13 Legislative budget for higher education provided \$69 million in additional funding above that proposed by the Executive. The Executive proposal maintained State support for community colleges at prior-year levels of \$2,122 for each full-time equivalent (FTE) student. The Legislature added \$39.1 million to the Executive's proposal, bringing funding levels from \$2,122 to \$2,272 per FTE student at SUNY and CUNY community colleges. The Legislature successfully increased support by \$27.8 million and provided \$87.8 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn, and rejected the Executive proposal to sweep \$884,000 in operating support from the Long Island Veterans Home to the General Fund.

The 2012-13 Executive budget proposal maintained funding levels provided in a December 2011 extraordinary session for opportunity programs like the Education Opportunity Program (EOP) at \$21.1 million; the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program at \$18.4 million; and College Discovery at \$883,390. In order to maintain funding levels provided in a December 2011 extraordinary session, the Legislature added \$3.5 million to the Higher Education Opportunity Program (HEOP); \$1.7 million to the Liberty Partnerships Program (LPP); \$1 million to the Science and Technology Entry Program (STEP); and \$778,000 to the Collegiate Science and

Technology Entry Program (CSTEP). The Legislature restored funding for SUNY and CUNY child care centers providing \$1.6 million to SUNY child-care centers, a \$653,000 restoration, and \$1.3 million to CUNY child-care centers, a \$544,000 restoration. The Legislature added \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program as well as allocated \$2 million for ATTAIN Labs. Finally, the Legislature accepted the Executive proposal creating a \$60 million second round of the NY-SUNY 2020 Challenge Grant program, available to all SUNY (non-university center) state operated colleges, community colleges or regional consortiums.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2012 Legislative session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Legislature passed legislation that was enacted into law: increasing the supervision and regulation of non-degree granting proprietary schools; authorizing the practice of perfusion; allowing pharmacists to administer the shingles vaccine; expanding the scope of practice of podiatry; allowing children's camps to employ certain health care practitioners; and requiring SED to notify the appropriate law enforcement authority when a complaint of a sex offense has been made by a patient against a licensed health care or mental health care provider during the course of treatment.

As you can see, much has been accomplished this year, but much still remains to be done. Thank you for your leadership and steadfast support of our State's higher education community. I am proud of my sixth year as Chair of the Higher Education Committee and thank you for the opportunity to continue working with you and my colleagues toward our shared goal of ensuring that our systems of public and private higher education remain the best in the nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah J. Glick". The signature is fluid and cursive, with a large initial "D".

Deborah J. Glick

Chair

Higher Education Committee

**2012 ANNUAL REPORT**

**NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON HIGHER EDUCATION**

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Jennifer Trowbridge, Senior Analyst  
Lesley A. Adewunmi, Committee Assistant  
Suzanne Bolling, Associate Counsel  
Theresa Swidorski, Legislative Director  
Sarah Sorensen, Legislative Analyst  
Daniel Wynn, Committee Clerk  
Laura Inglis, Program and Counsel Executive Secretary

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## I. COMMITTEE JURISDICTION

The Committee on Higher Education is responsible for the initiation and review of legislation relevant to higher education and the professions in New York State. It is primarily concerned with policy initiatives affecting the State University of New York (SUNY), the City University of New York (CUNY), the independent colleges and universities of New York, proprietary vocational schools, student financial aid, and the licensed professions. However, because of the complex and comprehensive nature of New York's system of higher education, the Committee has also been involved in shaping legislation in such diverse public policy fields as health care, economic and workforce development, technology, capital financing, and elementary and secondary education.

The New York State system of higher education has been heralded for decades for its quality and comprehensive service to the public with a full range of academic, professional, and vocational programs. The three components of this system include the State University of New York (SUNY), the City University of New York (CUNY), and the numerous independent colleges and universities, proprietary colleges and schools located within New York State.

In addition to providing support to the state-operated campuses of SUNY and the senior college programs of CUNY, New York State contributes financially to community colleges and provides direct aid to independent colleges and universities. The State also demonstrates its commitment to higher education through funding one of the country's largest state-supported Tuition Assistance Program (TAP), a need-based grant program that helps eligible New York State residents pay tuition at approved higher education schools in the State (both public and private institutions).

The Committee on Higher Education also monitors the ongoing activities of the 48 professions, which the State Education Department (SED) is charged with licensing and regulating. Through careful consideration of legislation affecting the professions and through the monitoring of the professional discipline functions of the State Education and Health Departments, the Committee endeavors to protect the health, safety, and welfare of the public and to ensure the maintenance of high standards and competence within the professional realm.

This report summarizes the activities and achievements of the Assembly Committee on Higher Education in each of its major areas of responsibility during the 2012 Legislative Session.

## II. HIGHER EDUCATION

### A. Budget Highlights

The 2012-13 Legislative budget for higher education provided \$69 million in additional funding above the Executive proposal by restoring \$28.7 million in cuts to the three SUNY Health Science Centers and the Long Island Veterans Home, \$39.1 million for SUNY and CUNY community college base aid restorations and \$9.0 million to restore access/opportunity programs.

#### 1. *Community Colleges*

This year, the Executive proposal maintained State support for community colleges at prior-year levels of \$2,122 for each full-time equivalent (FTE) student. Base aid is the State's responsibility for its share of community college budgeted operating costs. The State, the sponsoring locality, and the students share in the operational costs of community colleges and therefore the level of State support that community colleges receive directly affects tuition rates and local contributions. Statutorily the State is obligated to pay one-third of a community college's operating costs and up to forty percent of these costs for full opportunity schools. Recognizing the importance of preserving the State's support of community colleges as much as possible, the Legislature proposed restoring academic year funding of \$27.7 million for SUNY and \$11.4 million for CUNY community college base aid. The Executive accepted the restoration of funding of the State's share of community college financing from \$2,122 per FTE student to \$2,272, as recommended by the Legislature.

#### 2. *SUNY State Operated Colleges and CUNY Senior Colleges*

The Legislature accepted cuts in operating aid of \$83.2 million for CUNY and \$150 million for SUNY. The Legislature restored funding for SUNY and CUNY child care centers providing \$1.6 million to SUNY child-care centers, a \$653,000 restoration, and \$1.3 million to CUNY child-care centers, a \$544,000 restoration. The Legislature added \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program. CUNY's LEADS program offers individualized career guidance and support to students with disabilities enrolled in CUNY schools. The program is free for eligible students and provides them with academic advisement, internship and job seeking assistance, free textbooks, and career counseling. The Legislature also accepted the Executive proposal creating a second round of NY-SUNY 2020 Challenge Grants, available to all SUNY (non-University Center) state operated colleges, community colleges or regional consortiums. This grant provides \$60 million in capital funding (\$30 million from SUNY and \$30 million from the state) and eligible colleges can compete for awards of \$5 million to \$20 million to support long-term

projects aimed at accelerating academic research, economic development, job creation, and advancing minority and women-owned business enterprise (MWBE) goals. Additionally, the Legislature accepted the Executive proposal allowing SUNY university centers to increase non-resident undergraduate tuition by no more than 10% over the prior academic year's tuition, for a 5-year period following the approval of their NY-SUNY 2020 proposal. The Legislature also accepted the Executive proposal allowing Cornell University, as a statutory college, to enter into memoranda of understanding (MOU) with state agencies to provide services and technical assistance. Finally, the Legislature added two reporting requirements of SUNY and CUNY in order to examine and review: (1) the impact of the current community college chargeback system as well as the impact it has on the local sponsor's share of operating costs and (2) the programs and strategies used to address the needs of remedial students, college readiness, and student support services.

### ***3. SUNY Health Science Centers***

The Legislature successfully increased support by \$27.8 million to provide \$87.8 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn, and rejected the Executive proposal to sweep \$884,000 in operating support from the Long Island Veterans Home to the General Fund.

### ***4. Independent Colleges and Universities***

This year, the Legislature restored \$3.5 million in funding to the Higher Education Opportunity Program (HEOP), providing \$24.3 million in order to keep its commitment to help disadvantaged students gain access to private colleges. The Legislature accepted the Executive's proposal of a \$3.9 million reduction in funding for Bundy Aid. Bundy Aid, formally known as Unrestricted Aid to Independent Colleges and Universities, provides direct support to higher education institutions based on the number and type of degrees conferred by the college or university.

The Legislature extended the Higher Education Capital Matching Grants Program for Independent Colleges to March 31, 2013. The program awards private colleges funding based on enrollment and relative student financial need as measured by total awards provided through the Tuition Assistance Program (TAP), and requires a three to one (non-State to State) match by institutions. Grants may be used for the design, construction or acquisition of new facilities, rehabilitation and repair of existing facilities or for any projects for targeted priorities including economic development/high technology (including wet labs), critical academic facilities, and urban renewal/historic preservation. These grants are awarded by the Higher Education Capital Matching Grant Board.

## 5. *Financial Aid*

### Tuition Assistance Program

New York State is fortunate to have one of the most comprehensive systems of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program that helps eligible New York residents pay tuition at approved schools in the State. Award amounts are determined by net taxable income (up to \$80,000) and financial status (independent or dependent). Depending on income, TAP awards can range from \$500 to \$5,000 with low-income students receiving larger awards. The TAP program helps keep college accessible and affordable for students who would otherwise not be able to attend. The Executive proposal did not contain any cuts to the TAP program.

### Access Programs

Access to higher education has been a long-standing concern of this Committee. Over the years, the Legislature has created programs which provide special assistance to educationally and economically disadvantaged students, underrepresented groups, and "at-risk" youth (students who require additional support in order to achieve academic success). The Assembly has been committed to ensuring that all students have access to higher education and can enhance their academic success through the support of access programs.

Through counseling, remedial coursework, financial assistance, drop-out prevention, and skills training, these programs are dedicated not only to encouraging enrollment in college, but also helping to ensure success in the postsecondary academic environment. New York's Access Programs include:

\*The Higher Education Opportunity Program (HEOP) provides critical access programs for educationally and economically disadvantaged students who attend independent institutions of higher education. HEOP programs serve approximately 4,600 students through 55 programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling. HEOP students, who do not meet the traditional academic criteria when they are admitted to college, typically earn their degrees at rates that equal or exceed other students. With mentoring and support, 53% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature restored \$3.5 million in funding for HEOP, providing \$24.3 million and maintained funding levels provided in a December 2011 extraordinary session.

\*The Education Opportunity Program (EOP) provides academic support and financial aid students who attend public institutions of higher education and show promise for

mastering college-level work, but who may otherwise not be admitted. In 2011, EOP supported 9,140 students through programs including special tutoring, and academic, career, and personal counseling. EOP services are available at most SUNY schools, at all CUNY senior colleges through the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program, and at all CUNY community colleges through the College Discovery program. The Legislature accepted the Executive proposal to maintain funding for EOP at \$21.1 million, SEEK at \$18.4 million and College Discovery at \$883,390.

\*The Liberty Partnerships Program (LPP) serves approximately 10,147 middle, junior, and senior high school students who are at risk of dropping out. LPP also assists students in completing high school, preparing for and entering college, and obtaining meaningful employment. LPP has a retention rate of 99% and a graduation rate of 92%. The Legislature restored \$1.7 million in LPP funding, providing \$12.5 million, and maintained funding levels provided in a December 2011 extraordinary session.

\*The Teacher Opportunity Corps (TOC) has the goal of attracting more African-Americans, Hispanics, and Native Americans to the teaching profession and to prepare these individuals to work effectively with students who are at risk of academic failure and dropping out of school. TOC is also considered to be a model of excellence for teacher education programs. The Legislature accepted the Executive proposal to maintain TOC funding at \$450,000.

\*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) programs were created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students enter collegiate study and careers in scientific, technical, and health-related fields. The Legislature restored funding of \$1.0 million for STEP, providing \$10.8 million, and \$778,000 in funding for CSTEP, providing \$8.2 million, and maintained funding levels provided in a December 2011 extraordinary session.

\*The State provides small awards for Native Americans pursuing post-secondary study in New York. This access program offers financial aid to eligible Native Americans and has been critical in addressing the under representation of this population in New York State's higher education system. The Legislature accepted the Executive proposal to maintain funding for post-secondary aid to Native Americans at \$598,000.

## **B. Legislative Highlights**

### **1. *Community Colleges***

New York State has 37 public community colleges: 30 within the State University system and 7 within the City University system. With an enrollment of approximately 334,809 students, community colleges provide a primary source of access to higher education opportunities. The community colleges of SUNY and CUNY are referred to as “full opportunity” institutions, accepting all recent high school graduates and returning residents from the colleges’ sponsorship areas.

Community colleges are unique in that they are financed cooperatively by three partners: the State, a local sponsor, and the students. Community colleges are primarily governed by the local sponsor, assuring that these institutions have greater flexibility to respond to the local educational needs of their unique student population. Many community college students are non-traditional students who return to college later in life, attend part-time and/or combine work and family responsibilities with study.

### **2. *City University of New York***

Founded as the Free Academy in 1847, the City University of New York (CUNY) has grown into the largest urban university in the nation. CUNY is also the third largest university in the country and is comprised of twenty-three campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes 11 senior colleges, a two-year preparatory medical program, an honors college, a journalism school, a school of professional studies, a law school, a graduate center, and 7 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 272,128 students annually: 174,416 at the senior colleges and 97,712 at the community colleges.

### **3. *State University of New York***

The State University of New York (SUNY) is the largest public university system in the nation, embracing 64 distinct individual campuses located in urban, suburban, and rural communities across New York State. These 64 campuses offer a full range of academic, professional, and vocational programs through their university centers, comprehensive colleges, colleges of technology, and community colleges. SUNY enrolls approximately 467,991 students in over 6,300 programs of study.

### **4. *Independent Colleges and Universities***

New York State is fortunate to have the most diversified and largest independent

sector of higher education in the nation. According to the Commission on Independent Colleges and Universities (CICU), in 2011, nineteen percent of the students enrolled in the independent sector in New York State were minorities. The independent colleges and universities of the State enroll nearly 486,040 students. New York not only boasts the nation's largest private university, New York University, it also prides itself on numerous outstanding small colleges as well. Independent campuses throughout New York State have a collective annual economic impact of \$62.3 billion, employ 373,800 New Yorkers, and have a \$23.1 billion payroll.

### **Increasing the Supervision and Regulation of Non-Degree Granting Proprietary Schools**

**A.7859-A Glick, Chapter 381 of the Laws of 2012.** This law eliminates the distinction between "licensed private schools" and "registered business/computer training facilities" and renames these non-degree granting proprietary schools as "licensed private career schools" and establishes a \$5,000 initial application fee for new schools and a \$2,500 application fee for additional licensed school locations. Renewal application fees, based upon a prescribed gross annual tuition income schedule, would be increased by 50%.

This law establishes a one-time, one year, candidacy status period in order to allow a school to operate during the licensure application process, which may be extended to a maximum non-renewable period of eighteen months total, under the following conditions:

- the prospective school submits a candidate school application fee of \$5,000;
- the school cannot represent that it is licensed or that its programs are approved by the State Education Department (SED);
- the school is required to disseminate a statement to every student (who is required to sign an attestation that they received this statement), provided by SED, that the school is not licensed and its program is not approved during the candidacy period and that students attending the school shall have no recourse through SED's student complaint process or have any restitution from the tuition reimbursement account; and
- the school is required to demonstrate financial viability as determined by the Commissioner.

Any violation of the above conditions will result in the disapproval of the school's licensure application and end a school's candidacy status. On or before the end of the one year candidacy period, the Commissioner will review the school's application for licensure and documentation about the school's candidacy period. A determination will be made of whether such candidacy status should be extended for an additional six

months or whether the school can continue to enroll students if the school's application for licensure is initially disapproved for failure to meet required standards.

This law allows the Commissioner to deny, suspend, revoke or decline to renew any license if a school's financial condition could result in interruption or ending of instruction at a school or jeopardize student tuition funds. If the Commissioner determines, during the four-year licensure period, that a school's financial condition may result in interruption or ending of instruction the Commissioner, upon notice, can provide that the school be placed on probation for a period up to one year. A school on probation is required to submit a report on its financial conditions to the Commissioner and the Commissioner can then suspend or revoke the school's license upon determination that the school's financial condition continue to threaten its ability to educate students and/or the student tuition funds.

This law restricts the amount of private loan payments that a school can receive on behalf of a student prior to their completion of a program, by creating a loan disbursement schedule, in order to limit a student's loan liability as well as the tuition reimbursement account's liability. It further allows for the establishment of an application and re-approval fee of \$250 (for one hundred clock hours or more) and \$100 (for less than one hundred clock hours) for SED's review and approval of a school's curriculum and authorize licensed private career school teachers to teach at any licensed school in the same subject(s) instead of requiring them to have a license at each school location.

Finally, this law increases civil penalties for violations, after a hearing and upon recommendation of a hearing officer, and includes failure to offer an approved course or program as approved by Commissioner as a violation.

### **Extending Tuition Waiver of Police Officer Students at CUNY**

**A.9167 Lentol, Chapter 70 of the Laws of 2012.** This law extends, for two more years, the tuition waiver program for police officer students of CUNY. New York City police officers, who are enrolled in programs leading to a baccalaureate or higher degree at a CUNY senior college, may attend one course, without tuition, provided that the course is related to their employment as police officers and that such tuition-waived attendance does not deny attendance to an individual who is otherwise qualified to enroll in a CUNY senior college.

### **Authorizing the Exchange of Property between SUNY ESF and Syracuse University**

**A.9531-A Magnarelli, Chapter 317 of the Laws of 2012.** This law authorizes the State University of New York College of Environmental Science and Forestry (SUNY ESF) to exchange a 1.62 acre parcel of land with Syracuse University for another 1.62 acre parcel

of land in order for both institutions to own real property that is contiguous to each respective campus. SUNY ESF will be constructing an academic center on this newly acquired land. The conveyance of land authorized by this act is subject to the approval of both the Comptroller and the Attorney General.

### **State Aid to Independent Institutions**

**A.9391 Peoples-Stokes, Chapter 136 of the Laws of 2012.** This law allows Trociare College to continue receiving Bundy Aid for the associate degrees it confers, provided that the college does not continue to receive any awards for the two bachelor degrees it confers. Under current law, institutions authorized to confer bachelor degrees must elect to receive Bundy Aid for the bachelor degrees it confers.

## **III. LICENSED PROFESSIONALS**

### **A. Legislative Highlights**

New York State currently licenses 48 professions under Title VIII of the Education Law. Legislation to license a new profession or to alter the practice of an existing profession falls under the jurisdiction of the Committee on Higher Education. The State Education Department (SED), through its Office of the Professions, regulates the practice of the licensed professions on an ongoing basis.

An essential component of the monitoring process is to ensure that existing standards and qualifications reflect current practices and needs, especially in light of shifting demographics and rapidly changing technologies. Each year, the Committee reviews numerous pieces of legislation which propose to change the scope of practice of currently licensed professions. Ensuring that any modification to current professional standards is thoroughly examined and appropriately executed provides a means by which the Committee fulfills its obligations to protect the well-being of the public.

### **Authorizing the Practice of Perfusion**

**A.4153-C Magnarelli, Chapter 479 of the Laws of 2012.** This law provides perfusionists, who obtain a permit from SED, with an exemption from the Clinical Laboratory Practice Act (as it currently prevents unlicensed individuals from performing testing in the operating room), in order to allow them to continue to perform, use and analyze the results from point of care tests and instruments used to monitor a patient's blood flow during surgery pursuant to an order and under the

direction and supervision of a licensed physician in a hospital. A permit shall be issued for a period of two years to applicants who are employed on a salaried basis by a hospital in New York State, and who meet qualifications established by the hospital to perform extracorporeal or intracorporeal services. A \$50 fee will be charged for a permit which would be subject to the full disciplinary and regulatory authority of SED as if it were a professional license issued.

### **Requiring Continuing Competency for Occupational Therapists and Therapy Assistants**

**A.4519-B Canestrari, Chapter 444 of the Laws of 2012.** This law requires occupational therapists and occupational therapy assistants to complete a minimum of 36 hours of continuing competency requirements, upon registering every three years, in order to continue to practice. Continuing competency requirement “learning activities” shall include, but not be limited to, college level credit and non-credit courses, self and independent study, publications in professional journals and professional development activities. A continuing competency fee of \$45 dollars for occupational therapists and \$25 for occupational therapy assistants is required to be provided to SED for their review.

### **Allowing Pharmacists to Administer the Shingles Vaccines**

**A.6301-D Paulin, Chapter 116 of the Laws of 2012.** This law allows physicians and nurse practitioners to prescribe and order a patient specific regimen to a pharmacist in order for the pharmacist to be able to administer the shingles vaccine. Pharmacists, when administering an immunization in a pharmacy, are required to provide an area for immunizations that provides for a patient’s privacy. Finally this law requires the Commissioner of Health, in consultation with the Superintendent of Financial Services and the Commissioner of Education, to prepare and submit a report to the Governor and the Legislature, on or before October 1, 2014, regarding the rates of health insurance plan coverage for the shingles vaccine in the state.

### **Distinguishing the Practice of Licensed Physician Assistant from Specialist Assistant**

**A.7355-B Gottfried, Chapter 48 of the Laws of 2012.** This law changes the title of registered physician’s assistants (RPA) to licensed physician assistants (LPA). Further, this bill would separate physician assistants and specialist assistants into different sections of law in order to distinguish the significantly different licensing requirements and scopes of practice of these two professions.

### **Allowing SED to Accept Affirmations from Professional Licensure Applicants**

**A.8321 Glick, Chapter 306 of the Laws of 2012.** This law allows the State Education Department (SED) to accept affirmations from professional licensure applicants in lieu of certification or swearing of an oath. This affirmation shall be considered as credible as an oath and subjects applicants to penalties of perjury.

### **Requiring Certification of Registered Nurse Anesthetists**

**A.8392-C Paulin, Veto Message #165.** This bill would require certification of registered nurse anesthetists (CRNA); sets education and exam requirements; requires individuals to register and re-register triennially with SED (as part of the registration SED reviews an applicant's education and experience as well as a moral character review) and provides title protection to these individuals without providing a scope of practice for these licensed professionals or changing the current requirement, found under Department of Health regulations, that CRNAs must be supervised by a physician. Finally, this bill clarifies that the State Education Department (SED) would only be able to develop regulations establishing a certification process and not establish a scope of practice nor could they change the current physician supervision requirement.

### **Authorizing Professionals Appointed by the World Triathlon Corporation**

**A.8982 Sayward, Chapter 77 of the Laws of 2012.** This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who have been appointed by the World Triathlon Corporation, to provide services to athletes participating at the Ironman triathlon held in Lake Placid on July 18 to July 23, 2012.

### **Authorizing Professionals Appointed by the New York Road Runners**

**A.9216 Glick, Chapter 33 of the Laws of 2012.** This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, certified athletic trainers, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who have been appointed by the New York Road Runners, to provide services to participating athletes four days before through one day after the following events:

- The New York half marathon on March 18;
- The Brooklyn half marathon on May 19;
- The Queens half marathon on July 1;
- The Bronx half marathon on August 12;

- The Staten Island half marathon on October 7; and
- The ING New York City marathon on November 4, 2012.

### **Expanding the Scope of Practice of Podiatry**

**A.9293-A Pretlow, Chapter 438 of the Laws of 2012.** This law provides that the practice of podiatry shall include wound care if treatment of such wounds is contiguous with wounds relating, originating or in the course of treatment of a wound on the foot within the podiatric scope of practice. This law also expands the scope of practice of podiatry by allowing for the diagnosis, treatment, operation and prescription of any condition of the ankle and soft tissue of the leg below the tibial tuberosity if the podiatrist has been authorized to perform podiatric standard ankle surgery or advanced ankle surgery. The practice of podiatry does not include partial or total ankle replacements, nor the treatment of pilon fractures.

The issuance of a privilege to perform podiatric standard ankle surgery includes soft tissue and osseous procedures except procedures specifically authorized for podiatric advanced ankle surgery. In order to obtain an issuance of a privilege to perform podiatric standard ankle surgery a licensed podiatrist is required to file an application with the State Education Department (SED) and obtain one of the following three training and certification pathways:

- (1) have graduated from a three-year residency program, on or after June 1, 2006, in podiatric medicine and surgery accredited by an agency acceptable to the State Education Department (SED), be certified in reconstructive rearfoot and ankle surgery by a national certifying board acceptable to SED; or
- (2) have graduated from a three-year residency program, on or after June 1, 2006, in podiatric medicine and surgery accredited by an agency acceptable to the State Education Department (SED), be qualified but not yet certified in reconstructive rearfoot and ankle surgery by a national certifying board acceptable to SED and provide proper documentation that he or she has acceptable training and experience in standard or advanced midfoot, rearfoot and ankle procedures approved by SED; or
- (3) have graduated from a two-year residency program, before June 1, 2006, in podiatric medicine and surgery accredited by an agency acceptable to the State Education Department (SED), be certified in reconstructive rearfoot and ankle surgery by a national certifying board acceptable to SED and provide documentation that he or she has acceptable training and experience in standard or advanced midfoot, rearfoot and ankle procedures approved by SED.

There is a \$220 fee to SED for issuance of a privilege to perform podiatric standard ankle surgery.

Issuance of a privilege to perform podiatric advanced ankle surgery would include ankle fracture fixation, ankle fusion, ankle arthroscopy, insertion or removal of external fixation pins into or from the tibial diaphysis at or below the level of the myotendinous junction of the triceps surae, and insertion and removal of retrograde tibiototalcanneal intramedullary rods and locking screws up to the level of the myotendinous junction of the triceps surae, but does not include the surgical treatment of complications within the tibial diaphysis related to the use of such external fixation pins.

In order to obtain an issuance of a privilege to perform podiatric advanced ankle surgery a licensed podiatrist is required to file an application with SED and obtain one of the following two training and certification pathways:

- (1) have graduated from a three-year residency program, on or after June 1, 2006, in podiatric medicine and surgery accredited by an agency acceptable to the SED, be certified in reconstructive rearfoot and ankle surgery by a national certifying board acceptable to SED and provide proper documentation that he or she has acceptable training and experience in standard or advanced midfoot, rearfoot and ankle procedures approved by SED; or
- (2) have graduated from a two-year residency program, before June 1, 2006, in podiatric medicine and surgery accredited by an agency acceptable to the State Education Department (SED), be certified in reconstructive rearfoot and ankle surgery by a national certifying board acceptable to SED and provide proper documentation that he or she has acceptable training and experience in standard or advanced midfoot, rearfoot and ankle procedures approved by SED.

There is a fee of \$220 to SED for issuance of a privilege to perform podiatric advanced ankle surgery.

Holders of issued privileges to perform podiatric standard or advanced ankle surgery are required to register with SED and are subject to the same oversight and disciplinary provisions of licensed podiatrists. There is a \$210 fee for registration, which would be conterminous with his or her registration as a podiatrist.

Additionally, this law establishes a limited permit to perform ankle surgery for podiatrists who have fulfilled residency and qualification/certification requirements, but need to obtain the training and experience needed for the issuance of the podiatric standard or advanced ankle surgery privileges.

1. The limited permit for podiatric standard ankle surgery would authorize performance of such surgery only under the direct personal supervision of a licensed podiatrist holding a podiatric standard or advanced ankle surgery privilege or of a physician licensed and certified in orthopedic surgery by a national certifying board acceptable to SED.

2. The limited permit for podiatric advanced ankle surgery authorizes performance of such surgery only under the direct personal supervision of a licensed podiatrist holding a podiatric advanced ankle surgery privilege or of a physician licensed and certified in orthopedic surgery by a national certifying board acceptable to SED.

The holder of the limited permit would only be able to perform podiatric ankle surgery in a hospital or health facility, and such permit would be issued for a period of one year and could be renewed for additional one-year periods, but no more than four times. The fee for a limited permit is \$150, and \$50 for its renewal.

### **Allowing Children's Camps to Employ Certain Health Care Practitioners**

**A.9794-A Paulin, Chapter 214 of the Laws of 2012.** This law allows children's overnight, summer day and traveling summer day camps, which are overseen by the Department of Health, to legally employ or contract with a physician, nurse practitioner, physician assistant, registered nurse, licensed practical nurse or emergency medical technician to act as a designated camp health director or to provide health services in assistance to the camp health director.

### **Authorizing Occupational Therapy Assistant Graduates to Practice and Clarifying Supervision of Students**

**A.10118 Canestrari, Chapter 329 of the Laws of 2012.** This law authorizes occupational therapy assistant graduates to obtain a limited permit in order to practice. Occupational therapy assistants that obtain a limited permit are allowed to be supervised by an occupational therapy assistant who is under the supervision of an occupational therapist or physician. Finally occupational therapy assistant students shall be authorized to engage in clinical practice under the direction of an occupational therapy assistant who is under the supervision of an occupational therapist.

### **Allowing Certain Professional Service Corporations to Convert into a Design Professional Service Corporation**

**A.10281 Canestrari, Chapter 467 of the Laws of 2012.** Under Chapter 550 of the Laws of 2011, design professional service corporations are given the option of offering an ownership interest through an employee stock ownership plan (ESOP) in the corporation (up to 25%) to employees that are not licensed design professionals (engineers, architects, landscape architects or land surveyors). This law allows professional service corporations, in good standing, that provide design services and wish to offer an ESOP, to employees that are not licensed, to transition to design professional service corporations, upon meeting certain requirements, without

reincorporating as a new entity.

### **Mandatory Reporting of Licensed Professionals by SED**

**A.10336-B Paulin, Chapter 365 of the Laws of 2012.** This law requires the investigating professional conduct officer or Office of Professional Discipline, within the State Education Department (SED), to notify the appropriate law enforcement authority when a complaint of a sex offense has been made by a patient against a licensed health care or mental health care provider during a treatment session, consultation, interview or examination.

## IV. PUBLIC HEARINGS

### The Cost of Higher Education in New York State

December 12, 2012  
Hamilton Hearing Room B, LOB  
Albany, New York

The Higher Education Committee convened a hearing and sought testimony on the impact that increasing college costs, at both public and private colleges, are having on New York State students and their families.

Rising higher education costs and increasing student debt have been highlighted on a national level and are a growing concern in a global job market that demands highly skilled workers, particularly in light of this difficult fiscal climate. According to the College Board, the national average price of tuition, fees, room and board, after financial aid and tuition tax credits are deducted, has reached \$12,110 at public four-year colleges (\$17,860 is the average sticker price) for resident students and \$23,840 at private nonprofit institutions (\$39,518 is the average sticker price). New York State has historically sought to address issues of affordability and accessibility by maintaining two quality public university systems and by providing a college savings program, tuition tax credits and financial assistance to working families through programs, scholarships and grants such as the Tuition Assistance Program (TAP).

Ensuring that New York State colleges, especially our public university systems, remain a competitive and affordable option so that all students have access to a quality college education has always been a priority for the Assembly Higher Education Committee. This hearing sought testimony from New York State public and private universities as well as from students and other interested parties on the increasing cost of higher education, including the impact of Chapter 260 of the Laws of 2011; an analysis of where this increasing revenue is going; recent trends in student enrollment; and information on the impact that state and federal financial assistance are having on the cost of higher education to our students and their families.

Individuals who testified at the hearing include: Nancy L. Zimpher, Chancellor, State University of New York (SUNY); David K. Lavalley, Senior Vice Chancellor for Academic Affairs and Provost, SUNY; Brian Hutzley, Vice Chancellor for Financial Services & Chief Financial Officer, SUNY; Marc Shaw, Senior Vice Chancellor for Budget, Finance and Fiscal Policy, City University of New York (CUNY); Matthew Sapienza, Associate Vice Chancellor for Budget and Finance, CUNY; James Murphy, Associate Dean for Enrollment, CUNY; Laura L. Anglin, President, Commission on Independent Colleges and Universities (CICU); Anthony Collins, President, Clarkson

University; Susan Scrimshaw, President, The Sage Colleges; Matt Whelan, Associate Provost for Enrollment and Retention Management, Stony Brook University; Jackie Hayes, SUNY Albany Graduate Students, Save Our SUNY Coalition; Kevin Stump, Higher Education Program Coordinator, New York Public Interest Research Group (NYPIRG); Mikolaj Lis, Brooklyn College student; David J. Rosenberg, CLAS Student Government, Brooklyn College; Paolo Cremidis, Brooklyn College student; Yajaira Saavedra, President, DREAM Scholars.

## V. OUTLOOK FOR 2013

As the Committee looks ahead to the upcoming 2013 Legislative Session, many of the traditional goals relative to higher education and the professions will continue to take precedence.

Foremost among the Committee's priorities for the 2013 session will be to secure financing for the coming fiscal year sufficient to meet the needs of SUNY, CUNY and the independent sector in order to support their unique educational missions. The broader goal of preserving access opportunities to higher education for students across New York State is also critical. By continuing to fight for increased funding for access programs, the Committee will promote the recognition of these highly successful educational services and assist more students in realizing their higher education aspirations. Another priority of the Committee will be to provide capital funding for SUNY and CUNY. Campuses throughout the state are in need of funding for critical maintenance as well as the expansion of academic and residence facilities. As always, the Committee will continue to focus on TAP and ensure the availability of the program at current or enhanced levels. The Assembly Higher Education Committee is proud of this comprehensive financial aid program and will fight to continue its success in opening doors to college students throughout the State.

In 2013, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by the Department of Education's Office of the Professions. Chief among these will be initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. The Committee will continue to study the evolution of existing professions to assess the possible need for statutory changes to reflect the changing needs of consumers.

**APPENDIX A**

**PROFESSIONS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF REGENTS**

Acupuncture	Midwifery
Architecture	Nursing
Athletic Training	• Nurse Practitioner
Audiology	• Registered Professional Nurse
Certified Shorthand Reporting	• Licensed Practical Nurse
Chiropractic	Occupational Therapy
Clinical Laboratory Technology	• Occupational Therapist
• Clinical Laboratory Technologist	• Occupational Therapy Assistant
• Cytotechnologist	Ophthalmic Dispensing
• Clinical Laboratory Technician	Optometry
• Certified Histological Technician	Pharmacy
Dentistry	Physical Therapy
• Dentist	• Physical Therapist
• Dental Hygienist	• Physical Therapist Assistant
• Certified Dental Assistant	Podiatry
Dietetics and Nutrition	Polysomnographic Technician
Engineering	Psychology
Interior Design	Public Accountancy
Land Surveying	• Certified Public Accountant
Landscape Architecture	• Public Accountant
Massage Therapy	Respiratory Therapy
Medical Physics	• Respiratory Therapist
Medicine	• Respiratory Therapy Technician
• Physician	Social Work
• Physician Assistant	• Licensed Master Social Worker
• Specialist's Assistant	• Licensed Clinical Social Worker
Mental Health Practitioners	Speech-Language Pathology
• Creative Arts Therapist	Veterinary Medicine
• Marriage and Family Therapist	• Veterinarian
• Mental Health Counselor	• Veterinary Technician
• Psychoanalyst	

APPENDIX B

2012 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on Higher Education

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total Bills</u>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; not returning to Committee	1		1
To Ways and Means Committee	9		9
To Codes Committee	14		14
To Rules Committee	3		3
To Judiciary Committee	0		0
Total	27		27
<b><u>Bills Having Committee Reference Changed</u></b>			
To Codes	1		1
To Education Committee	1		1
To Health	1		1
To Libraries	1		1
Total	4		4
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		3	3
Recalled		1	1
Total		4	4
<b><u>Bills Defeated in Committee</u></b>	0	0	0
<b><u>Bills Held for Consideration</u></b>	44	0	44
<b><u>Bills Never Reported, Died in Committee</u></b>	221	11	232
<b><u>Bills Having Enacting Clauses Stricken</u></b>	9	0	9
<b><u>Motion to Discharge Lost</u></b>	0	0	0
<b><u>Total Bills in Committee</u></b>	305	15	320
Total Number of Committee Meetings Held	9		