



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

**FROM:** Sarah S. Benson *Sarah S. Benson*

**SUBJECT:** Proposed Technical Amendment to Section 60.2 of the Regulations of the Commissioner of Education Relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships

**DATE:** October 7, 2021

**AUTHORIZATION(S):** *Don McG* *Bellotti*

#### **SUMMARY**

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed technical amendment of section 60.2 of the Regulations of the Commissioner of Education relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the October 2021 meeting. A copy of the proposed amendment is included (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the Full Board for adoption as an emergency rule at the July 2021 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on July 28, 2021 for a 60-day public comment period. Because the July emergency action expired on October 10, 2021, a second emergency action was necessary at the September 2021 meeting, effective October 11, 2021, to ensure the emergency rule remained continuously in effect until it could be permanently adopted at the October 2021 Regents meeting.

Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on November 3, 2021. Supporting materials are available upon request to the Secretary of the Board of Regents.

### **Background Information**

At its June 2020 Regents meeting, the Board of Regents voted to adopt amendments to section 60.2 of the Commissioner's regulations. Section 60.2 provided that the members of the Advisory Committee on Long-Term Clinical Clerkships (Committee) are permitted to serve no more than two terms in succession, "except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration." The June amendment removed such provision prohibiting members of the Committee from serving more than two terms in succession.

Due to a clerical error, the June 2020 amendments to the Commissioner's regulations filed with the Department of State inadvertently omitted other language regarding the staggering of terms of members of the committee that is unrelated to the above amendment and was not intended to be omitted. Therefore, the proposed amendment is necessary to resolve this clerical error by reinserting the unintentionally omitted language.

### **Related Regents Items**

June 2020: [Proposed Amendment to Section 60.2 of the Regulations of the Commissioner of Education Relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships](https://www.regents.nysed.gov/common/regents/files/620brca9.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/620brca9.pdf>)

July 2021: [Proposed Technical Amendment to Section 60.2 of the Regulations of the Commissioner of Education Relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships](https://www.regents.nysed.gov/common/regents/files/721brca16.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/721brca16.pdf>)

September 27, 2021: [Proposed Technical Amendment to Section 60.2 of the Regulations of the Commissioner of Education Relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships](https://www.regents.nysed.gov/common/regents/files/921brca14.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/921brca14.pdf>)

**Recommendation**

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

VOTED: That section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 3, 2021.

**Timetable for Implementation**

If adopted by the Board of Regents at the October Board of Regents meeting, the proposed amendment will become effective November 3, 2021.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 605, 6501, 6504, 6506, 6507, 6508, 6524, 6525, 6526, 6541, and 6548 of the Education Law.

1. Subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education is amended to read as follows:

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

(1) ...

(2) ...

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

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

(i) ...

(ii) ...

(iii) ...

(iv) ...

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

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