



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

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

**FROM:** Christopher J. Halpin, Secretary

**SUBJECT:** Summary of the September 2022 Meeting

**DATE:** September 22, 2022

**AUTHORIZATION(S):**

## SUMMARY

### **Issue for Decision**

Should the Board of Regents approve the Summary of the September 2022 Meeting of the Board of Regents?

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

Not applicable.

### **Proposed Handling**

This issue will come before the Full Board for action at its October 2022 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.

### **Background Information**

Not applicable.

### **Related Regents Items**

Not applicable.

**Recommendation**

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

VOTED: that the Summary of the September 2022 Meeting of the Board of Regents of The University of the State of New York be approved.

**Timetable for Implementation**

Effective October 4, 2022.



***SUMMARY OF THE SEPTEMBER 2022 MEETING***

***OF THE BOARD OF REGENTS***

***OF***

***THE UNIVERSITY OF THE STATE OF NEW YORK***

***Held at the State Education Building  
Albany, New York***

***September 12 and 13, 2022***

***Christopher J. Halpin, Secretary  
Board of Regents***

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

The Board of Regents of The University of the State of New York held a public session in Albany on Monday, September 12 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, September 12 at 9:00 a.m.**

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

Lester W. Young, Jr., *Chancellor*  
Josephine Victoria Finn, *Vice Chancellor*  
Christine D. Cea  
Wade S. Norwood  
Kathleen M. Cashin  
James E. Cottrell  
Judith Chin  
Catherine Collins  
Elizabeth S. Hakanson  
Luis O. Reyes  
Susan W. Mittler  
Frances G. Wills  
Ruth B. Turner  
Aramina Vega Ferrer  
Shino Tanikawa  
Roger P. Catania

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Regent Roger Tilles was absent and excused.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Tuesday, September 13 at 9:25 a.m. to discuss litigation and personnel matters.

**Motion by:** Vice Chancellor Josephine Victoria Finn  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion passed unanimously.

## **PRESENTATION**

### **Presentation on the Proposed Addition of Part 130 of the Regulations of the Commissioner of Education Relating to Substantial Equivalence for Nonpublic Schools**

Jim Baldwin, Daniel Morton-Bentley and Christina Coughlin presented information on the proposed amendments to establish requirements pertaining to Substantial Equivalence for nonpublic schools (Attachment I).

Chancellor adjourned the meeting.

**MEETING OF THE FULL BOARD, Tuesday, September 13 at 9:50 a.m.**

**Board Members in Attendance:**

Lester W. Young, Jr., *Chancellor*  
Josephine Victoria Finn, *Vice Chancellor*  
Christine D. Cea  
Kathleen M. Cashin  
James E. Cottrell  
Judith Chin  
Catherine Collins  
Elizabeth S. Hakanson  
Luis O. Reyes  
Susan W. Mittler  
Frances G. Wills  
Ruth B. Turner  
Aramina Vega Ferrer  
Shino Tanikawa  
Roger P. Catania

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Regent Roger Tilles and Regent Wade S. Norwood were absent and excused.

**ACTION ITEMS**

**Charter Applications  
BR (A) 1**

**MOVED**, that the Board of Regents approve each application in accordance with the recommendations contained in the summary table.

**Summary of the July 2022 Meeting of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the July 2022 Meeting of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Regent Christine D. Cea  
**Seconded by:** Regent Judith Chin  
**Action:** Motion passed unanimously.

**State Education Department August 2022 Fiscal Report  
BR (A) 3**

**MOVED**, that Board of Regents accept the August 2022 State Education Department Fiscal Report as presented.

**Motion by:** Regent Frances G. Wills  
**Seconded by:** Regent Aramina Vega Ferrer  
**Action:** Motion passed unanimously.

**PROGRAM AREA CONSENT ITEMS**

**Cultural Education**

**Proposed Amendment of Sections 90.3, 90.14, 90.18 and Repeal of Section 90.19  
of the Regulations of the Commissioner of Education Relating to State Aid for  
Public Library Systems, School Library Systems and Reference and Research  
Library Resource Councils  
BR (CA) 1**

**MOVED**, that sections 90.3, 90.14, and 90.18 of the Regulations of the Commissioner of Education be amended and section 90.19 of the Regulations of the Commissioner of Education be repealed, as submitted, effective September 28, 2022.

**Higher Education**

**Proposed Amendment of Section 80-1.5 of the Regulations of the Commissioner  
of Education Relating to the Creation of a Safety Net for the Business and  
Marketing Content Specialty Test  
BR (CA) 2**

**MOVED**, that section 80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Amendments of Sections 80-5.3 and 80-5.4 of the Regulations of the  
Commissioner of Education Relating to Extending Flexibilities for Incidental and  
Substitute Teaching  
BR (CA) 3**

**MOVED**, that the Board of Regents adopt the proposed amendment of sections 80-5.3 and 80-5.4 of the Regulations of the Commissioner of Education, as submitted, effective September 28, 2022.

**Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Literacy (All Grades) Certificate  
BR (CA) 4**

**MOVED**, that section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Conferral of Degrees: Dowling College and Glasgow Caledonian New York College  
BR (CA) 5**

**MOVED**, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at Dowling College and Glasgow Caledonian New York College, the respective degree as listed below.

**Dowling College**

The following students have completed the requirements for the Master of Business Administration (M.B.A.) award:

Aboubacar Mady Camara

**Glasgow Caledonian New York College**

The following students have completed the requirements for the Master of Science (M.S.) award:

Alberto Bina Monteiro  
Jordan Nyce  
Martine Lunis  
Niles Johnson  
Noorah Soomaaroo

**The College of Westchester: Master Plan Amendment to Offer its first Associate in Science (A.S.) and Bachelor of Science (B.S.) Degree Programs in Human Services and Regents Authorization to Award the Associate in Science (A.S.) Degree  
BR (CA) 6**

**MOVED**, that the Board of Regents approve a master plan amendment to authorize The College of Westchester to offer Associate in Science (A.S.) and Bachelor of Science (B.S.) programs in Human Services and authorize the institution to award the Associate in Science (A.S.) degree.



**Master Plan Amendment Application  
BR (CA) 7**

**MOVED**, that the Board of Regents approve the master plan amendment application listed on the summary table (see item for summary table).

**The State University of New York (SUNY), Empire State College: Regents  
Authorization to Award the Master of Public Administration (M.P.A.) Degree  
BR (CA) 8**

**MOVED**, that the Board of Regents authorize SUNY Empire State College to award the Master of Public Administration (M.P.A.) degree.

**Proposed Amendment of Sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3, 80-4.4, and 200.20 of the Regulations of the Commissioner of Education Relating to Establishing the Students with Disabilities (All Grades) Certificate, Revising the Registration Requirements for Students with Disabilities (Birth-Grade 2) Programs, and Revising the Requirements for the Extension and Limited Extension to Teach Certain Subjects to Students with Disabilities  
BR (CA) 9**

**MOVED**, that sections 52.21, 57-3.1, 57-3.7, 80-1.2, 80-1.5, 80-1.12, 80-3.2, 80-3.7, 80-4.3, 80-4.4, and 200.20 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**P-12 Education**

**Proposed Amendment of Section 175.5 of the Regulations of the Commissioner of Education Relating to Defining Session Days and Counting Time Spent in Assessments Toward the Minimum Instructional Hour Requirement  
BR (CA) 10**

**MOVED**, that section 175.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Amendment of Section 100.5(d)(7) of the Regulations of the Commissioner of Education Relating to the Special Appeal to Earn Diplomas with a Lower Score on a Regents Examination Taken in the 2021-2022 or 2022-2023 School Year  
BR (CA) 11**

**MOVED**, that section 100.5(d)(7) of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Amendment of Sections 200.2(e) and 200.5(j) of the Regulations of the Commissioner of Education Relating to Special Education Due Process System Procedures  
BR (CA) 12**

**MOVED**, that sections 200.2(e) and 200.5(j) of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Addition of Section 100.22 and Amendment of Section 200.6 of the Regulations of the Commissioner of Education Relating to Instruction Provided to Students in a Home, Hospital, or Institutional Setting Other Than a School (Homebound Instruction)  
BR (CA) 13**

**MOVED**, that section 200.6 of the Commissioner’s regulations be amended, and section 100.22 of the Regulations of the Commissioner of Education be added, as submitted, effective September 29, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that districts and parents or guardians receive clarity as to the circumstances under which “homebound” instruction may be requested and delivered for the upcoming school year and to ensure the emergency action taken at the May 2022 meeting, effective July 1, 2022, remains continuously in effect.

**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) 16**

**MOVED**, that the Board of Regents approve the proposed (Re)Appointments of Members to the State Boards for the Professions and (Re)Appointments of Extended Members to the State Boards for the Professions.

**Report of the Committee on the Professions Regarding Licensing Petitions and Degree Conferrals  
BR (CA) 17**

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

**Proposed Amendment of Section 29.6 of the Rules of the Board of Regents Relating to the Special Provisions for the Profession of Veterinary Medicine  
BR (CA) 18**

**MOVED**, that section 29.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Amendment of Sections 52.13, 70.2, 70.3 and 70.4 of the Regulations of the Commissioner of Education Relating to Education, Examinations, and Experience Requirements for Licensure in the Profession of Public Accountancy  
BR (CA) 19**

**MOVED**, that sections 52.13, 70.2, 70.3 and 70.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

**Proposed Repeal of Sections 79-9.6, 79-10.6, 79-12.6, Addition of New Sections 79-9.6, 79-10.6, 79-12.6 and Amendment of Sections 79-9.4, 79-10.4, 79-12.4 of the Regulations of the Commissioner of Education Relating to Mental Health Practitioners' Diagnosis Privilege  
BR (CA) 20**

**MOVED**, that sections 79-9.6, 79-10.6 and 79-12.6 of the Regulations of the Commissioner of Education be repealed and new sections 79-9.6, 79-10.6, and 79-12.6 of the Regulations of the Commissioner of Education be added and sections 79-9.4, 79-10.4, 79-12.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 10, 2022, as an emergency action, upon the finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare in order to timely implement the provisions of sections (1), (4) and (5) of Chapter 230 of the Laws of 2022, which became effective June 24, 2022 and to ensure the emergency action taken at the July 2022 meeting remains continuously in effect.

**State University of New York College of Technology at Delhi: Authorization to Award the Bachelor of Architecture (B.Arch.) degree  
BR (CA) 21**

**MOVED**, that the Board of Regents authorize the SUNY Board of Trustees to award the B.Arch. degree on duly qualified students successfully completing the B.Arch. program at the State University of New York College of Technology at Delhi effective September 13, 2022.

**MOVED**, that the Regents approve the consent agenda items.

**Motion by:** Regent James E. Cottrell  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion passed unanimously.

## **STANDING COMMITTEE REPORTS**

### **HIGHER EDUCATION**

The Higher Education Committee held its scheduled meeting on September 12, 2022. All members were present except Regent Kathleen M. Cashin, who was excused. Regent Ruth B. Turner also attended the meeting.

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

##### **Proposed Amendment of Sections 80-3.7 and 80-5.22 of the Regulations of the Commissioner of Education Relating to the Degree and Experience Requirements for College Professors for the Transitional G Certificate and Through the Individual Evaluation Pathway to Certification [HE (D) 1]**

Department staff presented proposed amendments to the Commissioner's regulations to revise the requirements for the Transitional G certificate and certification through the individual evaluation pathway for college professors by no longer requiring them to complete their teaching experience within 10 years immediately preceding the certificate application date, and allowing them to meet the education requirement if they hold a baccalaureate degree in the area of a certificate title, or in a closely related subject area acceptable to the Department, and a graduate degree in another area.

Deputy Commissioner William Murphy reviewed the items on the Consent Agenda.

### **P-12 EDUCATION**

The P-12 Education Committee held its scheduled meeting on September 12, 2022. All members were present except Regent Tilles, who was excused. Regent Collins, Regent Hakanson, Regent Reyes, and Regent Mittler also attended the meeting but did not vote on any action.

#### **ACTION ITEMS**

##### **Proposed Amendment of Section 100.5(b) of the Regulations of the Commissioner of Education Relating to the Laboratory Experience Required in Order to Take a Science Regents Examination [P-12 (A) 1 – REVISED]**

Department staff presented for emergency adoption proposed amendments to the Commissioner's regulations to permit students to complete the required 1,200 minutes of laboratory experience through a combination of hands-on and simulated laboratory experience.

The Committee recommends that section 100.5(b) of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately permit students to satisfy the science laboratory experience requirements to take a science Regents Examination through both hands-on and simulated experience.

The motion passed unanimously.

**Proposed Amendment of Section 151-1.3 of the Regulations of the Commissioner of Education Relating to Universal Prekindergarten Program (UPK) Staffing Qualifications [P-12 (A) 2]**

Department staff presented for emergency adoption proposed amendments to the Commissioner's regulations relating to staffing qualifications for pre-kindergarten teachers.

The Committee recommends that section 151-1.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately conform Commissioner's regulations with the amendments made to Education Law §3602-e by Part A of Chapter 56 of the laws of 2022, which took effect April 1, 2022.

The motion passed unanimously.

**Proposed Amendment of Sections 200.7, 200.16, and 200.20 of the Regulations of the Commissioner of Education Relating to Remote Instruction and its Delivery Under Emergency Conditions and Length of School Day for Approved School-Age and Preschool Programs Serving Students with Disabilities [P-12 (A) 3]**

Department staff presented for emergency adoption proposed amendments to the Commissioner's regulations relating to remote instruction and its delivery under emergency conditions for students in approved private schools for the education of students with disabilities, state-supported schools, state-operated schools, and approved preschool special education programs. These proposed regulations would provide the same flexibility for remote instruction under emergency conditions that was proposed for districts at the April 2022 Board of Regents meeting.

The Committee recommends that sections 200.7, 200.16, and 200.20 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to permit approved special education providers to provide remote instruction in the 2022-2023 school year on days they would otherwise close due to an emergency and to count such instructional days towards

minimum requirements and to identify the ways in which such remote instruction may be delivered.

The motion passed unanimously.

**Proposed Amendment of Sections 100.1, 155.17, and 175.5 of the Regulations of the Commissioner of Education Relating to Remote Instruction and its Delivery under Emergency Conditions [P-12 (A) 4]**

Department staff presented for permanent adoption proposed amendments to the Commissioner's regulations relating to remote instruction and its delivery under emergency conditions.

The Committee recommends that sections 100.1, 155.17, and 175.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

The motion passed unanimously.

**Proposed Amendment of Section 135.5 and Addition of Section 136.9 of the Regulations of the Commissioner of Education Relating to Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act [P-12 (A) 5]**

Department staff presented revisions to the proposed amendments to the Commissioner's regulations relating to implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act. This was presented for second Emergency Action.

The Committee recommends that section 135.5 of the Commissioner's regulations be amended, and section 136.9 of the Commissioner's regulations be added, as submitted, effective September 13, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare and public health to timely implement the provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act (Chapter 500 of the Laws of 2021) on its effective date, and to ensure that the emergency action taken at the May Regents meeting remains continuously in effect.

The motion passed unanimously.

**Proposed Amendment of Section 155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plans [P-12 (A) 6]**

Department staff presented for emergency adoption proposed amendments to the Commissioner's regulations to implement Alyssa's Law, which amends Education Law §2801-a to require schools to consider silent panic alarm systems when reviewing and amending district and school safety plans.

The Committee recommends that section 155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately conform section 155.17 of the Commissioner's regulations with the amendments made to Education Law §2801-a by Chapter 227 of the Laws of 2022, which became effective on June 23, 2022.

The motion passed unanimously.

**Proposed Addition of Part 130 of the Regulations of the Commissioner of Education Relating to Substantially Equivalent Instruction for Nonpublic School Students [P-12 (A) 7]**

Department staff presented for permanent adoption proposed amendments to the Commissioner's regulations to establish requirements pertaining to the determination that substantially equivalent instruction is provided in nonpublic schools.

The Committee recommends that Part 130 of the Regulations of the Commissioner of Education be added, as submitted, effective September 28, 2022.

The motion passed unanimously.

**MOTION FOR ACTION BY FULL BOARD**

The P-12 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 September 13, 2022, copies of which have been distributed to each Regent.

**MATTERS NOT REQUIRING BOARD ACTION**

**Proposed Amendment of Sections 275.3, 275.9, 275.17, 276.4, and 276.8 Repeal of Section 276.2, and Addition of a New Section 276.2 of the Regulations of the Commissioner of Education Relating to Form of Pleadings, Electronic Filing, Extensions for Filing Memoranda of Law, Confidential Resolution Conferences, and Oral Arguments for Appeals to the Commissioner of Education under Education Law §310 [P-12 (D) 1]**

Department staff presented proposed amendments to the Commissioner's regulations relating to the proper form of pleadings, permitting alternative service of a petition by mail and email with prior permission of the Commissioner, electronic filing of pleadings, extensions for filing memoranda of law, confidential resolution conferences, and oral arguments for Education Law §310 Appeals of the Commissioner of Education.

## **Update on Department Plans for Restarting the Accountability System Required Under the Every Student Succeeds Act**

Department staff presented an overview of the work that has been conducted to meet federal requirements related to restarting the ESSA Accountability system that will be implemented in the 2022-2023 school year following two years of USDE provided waivers that allowed the Department to suspend accountability determinations due to COVID-19 disruptions.

## **Presentation of the Graduation Measures Blue Ribbon Commission Demographics**

Department staff presented the demographics of the members of the Graduation Measures Blue Ribbon Commission.

Deputy Commissioner Angelique Johnson-Dingle reviewed the items on the Consent Agenda.

## **PROFESSIONAL PRACTICE**

The Professional Practice Committee held its scheduled meeting on September 12, 2022. All members were present. Chancellor Lester W. Young, Jr., Regent Luis O. Reyes, Regent Susan W. Mittler, Regent Aramina Vega Ferrer, Regent Shino Tanikawa, and Regent Roger P. Catania also attended the meeting, but did not vote on any action.

## **ACTION ITEMS**

### **Professional Discipline Cases [PPC EXS (A) 1-3]**

The 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 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 45 consent order applications and 25 surrender applications be granted, with Regent Wade S. Norwood abstaining from 1 consent order case (Calendar No. 33041), Regent Catherine Collins dissenting in 4 consent order cases (Calendar Nos. 33026, 32625, 32626, and 32991), and Regent Ruth B. Turner dissenting in 4 consent order cases (Calendar Nos. 33026, 32625, 32626, and 33119).

These recommendations are made following the review of 74 cases involving sixteen registered professional nurses, nine licensed practical nurses, seven certified public accountants, seven licensed practical nurses who are also registered professional nurses, four physical therapists, two architects, two pharmacists, two professional engineers, two veterinarians, one acupuncturist, one architecture professional corporation, one certified



public accountancy foreign limited liability partnership, one certified public accountancy professional service limited liability company, one chiropractor, one dentist, one licensed clinical social worker, one licensed master social worker, one licensed master social worker who is also a licensed clinical social worker, one licensed mental health counselor, one pharmacy, one professional engineering professional corporation, one psychologist, and one registered professional nurse who is also a nurse practitioner (Family Health).

#### **Restorations [PPC EXS (A) 4-5]**

The Committee recommends the following:

That within six months from the effective date of this Order, Dr. Antoinette Lloyd shall, obtain at her own expense a mental health evaluation from a qualified mental health professional previously approved by the Director of the Physician Monitoring Program, Department of Health, Office of Professional Medical Conduct; which shall note that the applicant is mentally fit to practice her profession, and submit written proof to the Office of Professional Medical Conduct and to the Board of Regents of said evaluation. That upon receipt of said documents, the execution of the surrender of Dr. Antoinette Lloyd's license to practice as a Physician in the State of New York be stayed, and that she be placed on probation for a period of two years under the specified terms and conditions of probation and, upon successful completion of the probation, that her license to practice as a Physician in New York State be fully restored. [PPC EXS (A) 4]

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

#### **Proposed Amendment of Section 29.14 of the Rules of the Board of Regents and Section 64.5 of the Regulations of the Commissioner of Education Relating to Regulation of Nurse Practitioner Practice [PPC (A) 1]**

Department staff presented for emergency adoption proposed amendments to the Regents' Rules and the Commissioner's regulations to conform them to Part C of Chapter 57 of the Laws of 2022, which effective April 11, 2022, among other things, waives the requirement that certain nurse practitioners have a written practice agreement with a physician and makes the Nurse Practitioner Modernization Act permanent.

The Committee recommends that subdivision (a) of section 29.14 of the Rules of the Board of Regents and subdivision (a) of section 64.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022 as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately conform regulatory provisions with Part C of Chapter 57 of the Laws of 2022, which became effective April 1, 2022.

The motion passed unanimously.

**Proposed Amendment of Section 64.7 of the Regulations of the Commissioner of Education Relating to the Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Tests and Influenza Tests [PPC (A) 2]**

Department staff presented for emergency adoption proposed amendments to the Commissioner’s regulations to conform them to Part C of Chapter 57 of the Laws of 2022, which effective April 11, 2022, among other things, allows physicians and nurse practitioners to issue non-patient specific orders for tests for COVID-19 or its antibodies or influenza.

The Committee recommends that section 64.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 13, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately implement Part C of Chapter 57 of the Laws of 2022, which became effective April 1, 2022.

The motion passed unanimously.

**MOTION FOR ACTION BY FULL BOARD**

The 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 September 13, 2022, copies of which have been distributed to each Regent.

**MATTERS NOT REQUIRING BOARD ACTION**

Deputy Commissioner Sarah Benson reviewed the items on the Consent Agenda.

**MOVED**, that the Committee Reports be approved.

**Motion by:** Regent Judith Chin  
**Seconded by:** Regent Elizabeth S. Hakanson  
**Action:** Motion passed unanimously.

**Acceptance of a \$215,000 grant from The Bill & Melinda Gates Foundation  
BR (A) 4 – REVISED**

**MOVED**, that the \$215,000 grant to The University of the State of New York Regents Research Fund from The Bill and Melinda Gates Foundation be approved.

**Motion by:** Regent Elizabeth S. Hakanson  
**Seconded by:** Regent Ruth B. Turner  
**Action:** Motion passed unanimously.

### **APPOINTMENTS**

#### **Appointment of Alexander Trikalinos to Assistant Commissioner for the Office of Teacher and Leader Development BR (A) 5**

**MOVED**, that the Board of Regents approve the appointment of Alexander Trikalinos to the position of Assistant Commissioner for the Office of Teacher and Leader Development.

**Motion by:** Regent Roger P. Catania  
**Seconded by:** Regent Ruth B. Turner  
**Action:** Motion passed unanimously.

#### **Appointment to the Position of Executive Secretary, State Boards for Applied Behavior Analysis, Massage Therapy, and Respiratory Therapy BR (A) 6**

**MOVED**, that the Board of Regents approve the appointment of Paul W. Thompson to the position of Executive Secretary to the State Boards for Applied Behavioral Analysis, Massage Therapy, and Respiratory Therapy.

**Motion by:** Regent Ruth B. Turner  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion passed unanimously.

#### **Appointment to the Position of Executive Secretary, State Board for Clinical Laboratory Technology BR (A) 7**

**MOVED**, that the Board of Regents approve the appointment of Suzanne Sullivan to the position of Executive Secretary to the State Boards Clinical Laboratory Technology.

**Motion by:** Regent James E. Cottrell  
**Seconded by:** Regent Frances G. Wills  
**Action:** Motion passed unanimously.

## **PRESENTATIONS**

### **Proclamation for Dora Lee Stanley**

Deputy Commissioner Ceylane Meyers-Ruff provided comments and a proclamation in honor of Dora Lee Stanley upon her retirement. Dora Lee worked for the Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) and served as a mentor to each of ACCES-VR's 25 District Offices and Central Office staff (Attachment II).

### **Announcement of the Marge A. Tierney Memorial Scholarship Award Winner**

The 2022 Marge A. Tierney Scholarship was awarded by Regent Christine D. Cea to Taishon Graham of New York City. Mr. Graham is currently doing a vocational rehabilitation internship at the ACCES-VR Bronx District Office. His career goal is to work for ACCES-VR upon graduation.

### **2022 Louis E. Yavner Awards**

The late Regent Emeritus Louis E. Yavner established and funded the Louis E. Yavner Teaching Award. This annual award recognizes teachers who have made outstanding contributions to teaching about the Holocaust and other violations of human rights.

Regent Catherine Collins introduced Brooke Canale and Brandy Kinney as the 2022 recipients of the Louis E. Yavner teaching award for outstanding contributions to teaching about the Holocaust and human rights. Mrs. Canale, a Social Studies teacher, and Mrs. Kinney, an English teacher, are both from Salamanca High School. Mrs. Canale and Mrs. Kinney received formal citations (Attachment III and IV) and a check in the amount of \$250.

Regent Frances G. Wills conferred the 2022 Louis E. Yavner Citizen Award to Ms. Julie Golding of Chestnut Ridge. Ms. Golding educator at the Holocaust Museum and Center for Tolerance in Suffern. Her exhibit, "Resilience: Children, Families, and Communities During the Holocaust," explored the legacies of the resilience of children, families, and communities that lived during the Holocaust. Ms. Golding also received a formal citation (Attachment V) and a check in the amount of \$250.

### **Announcement of the 2023 Teacher of the Year**

Chancellor Young and Commissioner Rosa opened the Teacher of the Year Awards.

Chancellor Young introduced the 2022 Teacher of the Year, Carly Santangelo to speak as to her experience as Teacher of the Year.

Regent Elizabeth S. Hakanson introduced finalist Lori Atkinson. Ms. Atkinson is an English teacher at the Copenhagen Central School District in Copenhagen. She has been a high school English teacher at Copenhagen Central School for 25 years (Attachment VI).

Regent Ruth B. Turner introduced finalist Zachary Arenz. Mr. Arenz is a music teacher and was named an inaugural Educator of the Year in the Rochester City School District in 2021 (Attachment VII).

Vice Chancellor Josephine Victoria Finn introduced finalist Andi Cammer. Mrs. Cammer has spent almost her entire 31-year career at Jefferson Central School, where she devoted nearly twenty years to teaching first graders (Attachment VIII).

Regent Judith Chin introduced finalist Vanessa Jackson (Attachment IX). Mrs. Jackson has been a dedicated health educator for over 15 years. She designs classroom activities with an awareness of the nuanced needs of adolescents

Regent Shino Tanikawa presented the Teacher of the Year for 2023 William (Billy) Green, a Chemistry teacher at A. Philip Randolph Campus High School in Harlem (Attachment X). The mission of his work is to create spaces for learning that empower marginalized people to find their place in STEAM.

Mr. Green's philosophy of education is that opportunities are created by excellent teaching and learning. He embraces his ability as a teacher to have a positive impact on an individual, a family, and a community. Billy believes that teachers make children feel special and have the power to humanize and motivate a child's learning development.

Mr. Green works to improve the lives of his students by creating spaces that build character, encourage growth, and respect the identities of individuals, communities, and cultures. He is also a firm believer that students should be given discretion. Billy recognizes that students enhance teaching practices, and teachers should learn to work alongside them by including their perspectives while planning for instruction.

Mr. Green was presented with two awards: the Thomas Sobol Award, created by former Commissioner Sobol, and the Tony Lofrumento Award, created by Regent Tilles, in honor of former Secretary to the Board of Regents, Tony Lofrumento.

During his year of honor, Mr. Green will serve as an ambassador for teachers throughout the state and will be the New York State nominee for National Teacher of the Year.

Regent Tanikawa introduced Jolene DiBrango, Executive Vice President, New York State United Teachers (NYSUT). Ms. DiBrango addressed the Board and the 2023 Teacher of the Year and finalists.

Chancellor Young invited Mr. Green to provide remarks to the Board.

Chancellor Young adjourned the meeting.

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

<b>Name of Institution</b>	<b>Program Area</b>	<b>County (City/Town) of Location</b>	<b>Description of Charter Action(s)</b>
Crestwood Historical Society	CE	Westchester (Crestwood)	Extend provisional charter for five years.
Hartsville Slate Creek School & Museum	CE	Steuben (Canisteo)	Grant provisional charter for five years.
Johnsburg Historical Society	CE	Warren (Wevertown)	Extend provisional charter for five years.
Long Island Music Hall of Fame	CE	Suffolk (Melville)	Extend provisional charter for five years.
The Meserve-Kunhardt Foundation	CE	Westchester (Pleasantville)	Extend provisional charter for five years
Old Rhinebeck Aerodrome Air Shows	CE	Dutchess (Rhinebeck)	Dissolve Regents certificate of incorporation and approval to distribute remaining assets to the Community Foundation, Maj. Gen. Irene Trowel-Harris Chapter of the Tuskegee Airmen.
Tottenville Historical Society	CE	Richmond (Staten Island)	Extend provisional charter for five years.
The Town of Lockport Historical Society	CE	Niagara (Lockport)	Amend, replace, and restate the charter as a Regents certificate of incorporation.
Tugboat Preservation Project	CE	Kingston (Ulster)	Extend provisional charter for five years.
Academy for Young Minds	P12	Queens (Long Island City)	Extend provisional charter for three years.
Catholic Academy of Niagara Falls	P12	Niagara (Niagara Falls)	Extend provisional charter for three years.
Mountain Laurel Waldorf School	P12	Ulster (New Platz)	Grant an absolute charter.
Myrtle P. Jarmon Early Childhood Educational Center	P12	Queens (Jamaica)	Dissolve charter, approval to store student records with The Clifford Glover Day Care Center and approval to distribute remaining assets to The Clifford Glover Day Care Center, Inc.(Jamaica, NY).

St. Helen Catholic Academy	P12	Queens (Howard Beach)	Amend charter to update the purpose clause and extend provisional charter for three years.
St. John Bosco Schools	P12	Monroe (Mendon)	Extend provisional charter for three years.
St. John Paul II Regional School	P12	Suffolk (Riverhead)	Extend provisional charter for three years.
St. Joseph Regional School	P12	Genesee (Batavia)	Extend provisional charter for three years.
Sinai Schools New York	P12	New York (New York)	Grant provisional charter for one year.
Spa Christian School	P12	Saratoga (Ballston Spa)	Dissolve charter, approval to store student records with the Hope Church in Ballston Spa, NY and approval to distribute remaining assets to Loudonville Christian School (Loudonville, NY), Mekeel Christian Academy (Scotia, NY), Kings School (Corinth, NY), and Augustine Classical Academy (Mechanicville, NY).
Roberts Wesleyan College	HE	Monroe (Rochester)	Amend charter to change the corporate name to "Roberts Wesleyan University".
Russel Sage College Alumnae Association	HE	Rensselaer (Troy)	Amend charter to change the corporate name to "Russell Sage College Alumnae/i Association" and to expand membership to include graduates of Russell Sage College, Sage Graduate School, Sage College of Albany, and Sage Junior College of Albany.
Utica University	HE	Oneida (Utica)	Amend charter to add authority to confer the Master of Public Administration (M.P.A.) degree.



## Appendix II

### REGENTS ACTIONS IN 74 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS

September 12 - 13, 2022

The Board of Regents announced disciplinary actions resulting in the revocation of 1 license, surrender of 24 licenses and 1 certificate, and 48 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 2 restoration petitions.

#### **I. REVOCATION AND SURRENDERS**

##### **Engineering, Land Surveying and Geology**

Christopher D. McKean; Professional Engineer; Scottsville, NY 14546; Lic. No. 074726; Cal. No. 33181; Application to surrender license granted. Summary: Licensee did not contest the charge of willful failure to comply with mandatory continuing education requirements.

Bailey's Engineering, P.C.; Professional Service Corporation; Pelham, NY 10803; Cal. No. 33202; Application to surrender certificate of incorporation granted. Summary: Registrant admitted to the charge of Criminally Negligent Homicide, a felony; and Reckless Endangerment in the 2<sup>nd</sup> Degree, a misdemeanor.

Paul Anthony Bailey; Professional Engineer; Pelham, NY 10803; Lic. No. 082770; Cal. No. 33203; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to notify the New York City Department of Buildings that the approved Department of Building plans were not being executed and that the excavation support system was inadequate.

##### **Nursing**

Oluyemisi T. Adebayo a/k/a Taiwo O. Adebayo; Licensed Practical Nurse; St. Albans, NY 11412-1311; Lic. No. 257923; Cal. No. 32706; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Assault in the 1<sup>st</sup> Degree, a class C felony.

William George Weber; Registered Professional Nurse; Schenevus, NY 12155; Lic. No. 362076; Cal. No. 32874; Application to surrender license granted. Summary: Licensee admitted to charges of withdrawing controlled substances without documenting administration or waste.

Maria Mata-Mendoza; Licensed Practical Nurse, Registered Professional Nurse; North Brunswick, NJ 08902; Lic. Nos. 185975, 451954; Cal. Nos. 33027, 33028; Application to surrender licenses granted. Summary: Licensee did not contest the charge of, in the State of New Jersey, incorrectly documenting that a patient's vital signs were taken when, in fact, they were not.

Geraldine E. King; Registered Professional Nurse; East Rockaway, NY 11518-1302; Lic. No. 545381; Cal. No. 33102; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to timely pay a \$500 fine, failing to furnish the Department with quarterly reports indicating that she was drug abuse free, alcohol abuse free, and fit to practice her profession, and failing to answer and submit quarterly questionnaires as requested by the Department, as required by the terms of probation imposed by the Board of Regents in Order No. 31683.

Tina Marie Smith; Licensed Practical Nurse; Saugerties, NY 12477; Lic. No. 295213; Cal. No. 33173; Application to surrender license granted. Summary: Licensee did not contest the charge of medication administration errors, leaving a medication cart unattended, and leaving a medication room containing narcotics opened, unlocked, and unattended.

Pamela Grace Faulkner; Registered Professional Nurse; Greensboro, NC 27455; Lic. No. 787848; Cal. No. 33176; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Healthcare Fraud.

Louise Harrell Hixon; Registered Professional Nurse; Oakland, CA 94619-1364; Lic. No. 422894; Cal. No. 33243; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Driving While Having .08% Blood Alcohol Level or More, a misdemeanor in the State of California; and Driving While Intoxicated – 2<sup>nd</sup> Offense, a misdemeanor in the State of Louisiana.

Patricia Carolyn Elliott; Registered Professional Nurse; Murfreesboro, TN 37129-0033; Lic. No. 537464; Cal. No. 33245; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of Tennessee, impermissibly accessing a patient's medical records on three occasions without authorization.

Mary Reynolds McCandless; Registered Professional Nurse; Silverhill, AL 36576-3120; Lic. No. 716201; Cal. No. 33251; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of California, failing to take a patient's vital signs prior to administering the drug bisoprolol.

Mary L. Tillman; Registered Professional Nurse; Baltimore, MD 21209-2409; Lic. No. 261656; Cal. No. 33253; Application to surrender license granted. Summary: Licensee

did not contest the charge of, in the State of Maryland, documenting in the records for two patients that their prescribed medications were effective for their prescribed usages when, in fact, said patients were not taking their medications.

Myra R. Dunmore a/k/a Myra G. Rome; Licensed Practical Nurse, Registered Professional Nurse; Kent, WA 98030-8450; Lic. Nos. 109032, 278342; Cal. Nos. 33267, 33268; Application to surrender licenses granted. Summary: Licensee did not contest the charge of, in the State of Washington, following an unwitnessed fall by a patient, failing to timely notify the physician or said patient's family of the fall.

### **Pharmacy**

Elfatih Mohamed Ibrahim; Pharmacist; Brooklyn, NY 11218; Lic. No. 041181; Cal. No. 33167; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Grand Larceny in the 1<sup>st</sup> Degree; and Offering a False Instrument for Filing in the 1<sup>st</sup> Degree.

Anthony C. Paniccioli; Pharmacist; Staten Island, NY 10312; Lic. No. 031887; Cal. No. 33170; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Criminal Possession of a Controlled Substance in the 3<sup>rd</sup> Degree, a felony.

### **Physical Therapy**

Grzegorz Maciej Parfianowicz a/k/a Gregory M. Parfianowicz; Physical Therapist; Elmira, NY 14905; Lic. No. 013982; Cal. No. 29937; Found guilty of professional misconduct; Penalty: Revocation.

Johnny Chang; Physical Therapist; Glen Head, NY 11545-2014; Lic. No. 033956; Cal. No. 33031; Application to surrender license granted. Summary: Licensee did not contest charges of failing to document an evaluation and patient assessment; and providing physical therapy treatment without a referral from a physician, dentist, podiatrist, or nurse practitioner.

### **Psychology**

Eric Scott Parker; Psychologist; Nyack, NY 10960; Lic. No. 009596; Cal. No. 33025; Application to surrender license granted. Summary: Licensee did not contest the charge of engaging in a personal and sexual relationship with a patient.

### **Public Accountancy**

Scott David Magnuson; Certified Public Accountant; Denver, CO 80202-2635; Lic. No. 098331; Cal. No. 33054; Application to surrender license granted. Summary: Licensee did not contest the charge of having failed to perform adequate audit procedures to

determine whether and how the audited entity had assessed the potential impairment of a significant asset.

William Juang; Certified Public Accountant; Flushing, NY 11355; Lic. No. 060990; Cal. No. 33165; Application to surrender license granted. Summary: Licensee admitted to the charge of grossly negligent failure to complete mandatory continuing education requirements.

Daniel Kenneth Crist; Certified Public Accountant; Rochester, NY 14624; Lic. No. 071370; Cal. No. 33233; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to maintain an active registration with the Department while engaged in the practice of public accountancy.

Karen Marie Kennedy; Certified Public Accountant; New York, NY 10021; Lic. No. 055684; Cal. No. 33269; Application to surrender license granted. Summary: Licensee did not contest the charge of willful failure to comply with mandatory continuing education requirements.

## **Social Work**

José J. Lopez; Licensed Clinical Social Worker; Garden City, NY 11530; Lic. No. 019567; Cal. No. 33236; Application to surrender license granted. Summary: Licensee admitted to the charge of violating professional boundary lines between therapist and patient by accepting a large sum of money from a patient for non-professional purposes.

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

### **Acupuncture**

Kangmei Pan; Acupuncturist; Corona, NY 11368; Lic. No. 000705; Cal. No. 33153; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 24 months probation, \$1,000 fine.

### **Architecture**

Jeffrey Cole; Architect; Charleston, SC 29412; Lic. No. 017848; Cal. No. 33123; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

Jeffrey Cole Architect PC; Professional Service Corporation; Charleston, SC 29412; Cal. No. 33124; Application for consent order granted; Penalty agreed upon: \$2,500 fine.

Shawn Eric Stiles; Architect; Dickinson, TX 77539; Lic. No. 033652; Cal. No. 33131; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, 2 years probation, \$2,500 fine.

### **Chiropractic**

Jacob P. Lo Turco; Chiropractor; Lakewood, CO 80228-1899, Pittsford, NY 14534; Lic. No. 012063; Cal. No. 30557; Found guilty of professional misconduct; Penalty: 1 year actual suspension, 1 year stayed suspension, upon return to practice in New York State, 1 year probation.

### **Dentistry**

German Gelb; Dentist; Brooklyn, NY 11235; Lic. No. 045223; Cal. No. 33097; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

### **Mental Health Practitioners**

Igor Preobrazhenskiy; Licensed Mental Health Counselor; Brooklyn, NY 11224; Lic. No. 010415; Cal. No. 33026; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 4 months and until fit to practice, upon return to practice, 2 years probation.

### **Nursing**

Courtney J. Davis a/k/a Courtney J. Gibson; Licensed Practical Nurse; Youngstown, NY 14174; Lic. No. 266225; Cal. No. 30668; Found guilty of professional misconduct; Penalty: 1 year stayed suspension, 2 years probation.

Adrienne Renee Jehle; Licensed Practical Nurse; Scotia, NY 12302; Lic. No. 210735; Cal. No. 31789; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Sarah Elizabeth Hyland; Licensed Practical Nurse, Registered Professional Nurse; Salem, NY 12865; Lic. Nos. 320483, 701595; Cal. Nos. 32294, 32295; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Heather Lee Catone; Registered Professional Nurse; Webster, NY 14580; Lic. No. 532073; Cal. No. 32419; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Denise M. Davis; Licensed Practical Nurse, Registered Professional Nurse; Matamoras, PA 18336-1601; Lic. Nos. 217584, 688062; Cal. Nos. 32625, 32626;

Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, upon return to practice in New York State, 2 years probation, \$2,500 fine.

Tricia Joyce Dionisio; Registered Professional Nurse; Melville, NY 11747; Lic. No. 692653; Cal. No. 32803; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Helen E. LaPage; Licensed Practical Nurse, Registered Professional Nurse; Raymondville, NY 13678; Lic. Nos. 258151, 555543; Cal. Nos. 32911, 32720; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Elizabeth A. Lukaszewski a/k/a E. A. K. Lukaszewski; Licensed Practical Nurse; Ontario, NY 14519; Lic. No. 336270; Cal. No. 32915; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$500 fine.

Kelly A. Charlebois; Licensed Practical Nurse; Ithaca, NY 14850; Lic. No. 267554; Cal. No. 32921; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Xan Charlene Busch; Registered Professional Nurse; Mobile, AL 36693-4661; Lic. No. 539422; Cal. No. 32931; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, upon return to practice in New York State, 2 years probation, \$500 fine.

Valorie Ann Stenson; Registered Professional Nurse; Perry, NY 14530; Lic. No. 644356; Cal. No. 32933; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Kimberly R. Cook; Licensed Practical Nurse; St. Johnsville, NY 13452; Lic. No. 277762; Cal. No. 32982; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Heather Marie Spiegel; Registered Professional Nurse; Henrietta, NY 14467; Lic. No. 645389; Cal. No. 32991; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Taija Lashane Lamar; Licensed Practical Nurse; Rochester, NY 14609; Lic. No. 296738; Cal. No. 33041; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Angie Marie Obey; Licensed Practical Nurse, Registered Professional Nurse; Hastings, NY 13076; Lic. Nos. 258826, 559816; Cal. Nos. 33049, 33050; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Neeroopa Davi Surendranath; Registered Professional Nurse; North Baldwin, NY 11510-1001; Lic. No. 654004; Cal. No. 33093; Application for consent order granted; Penalty agreed upon: 8 months actual suspension, 16 months stayed suspension, 2 years probation, \$1,000 fine.

Angel M. Clark; Licensed Practical Nurse; Whitehall, NY 12887-1412; Lic. No. 279019; Cal. No. 33096; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation.

Jennifer Nicol; Registered Professional Nurse; Rye, NY 10580; Lic. No. 650676; Cal. No. 33098; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation.

Dana Diane Williams; Registered Professional Nurse; Painted Post, NY 14870; Lic. No. 752115; Cal. No. 33119; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 30 days and until fit to practice, upon return to practice, 2 years probation, \$500 fine.

John Robert Ferry; Registered Professional Nurse; Celoron, NY 14720-0115; Lic. No. 564726; Cal. No. 33120; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Kristine Renae Baker; Registered Professional Nurse, Nurse Practitioner (Family Health); Valdese, NC 28690-3107; Lic. No. 689664, Cert. No. 339138; Cal. Nos. 33132, 33133; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 4 months and until fit to practice, upon return to practice in New York State, \$1,000 fine.

Kellie Elizabeth Smith; Licensed Practical Nurse, Registered Professional Nurse; Lewiston, NY 14092; Lic. Nos. 197526, 417168; Cal. Nos. 33159, 33158; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation.

## **Pharmacy**

Health Alliance Hospital Marys Avenue Campus; Pharmacy; Kingston, NY 12401; Reg. No. 006042; Cal. No. 33056; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$5,000 fine.

## Physical Therapy

Kwan Park; Physical Therapist; Sunnyside, NY 11104; Lic. No. 025679; Cal. No. 31573; Found guilty of professional misconduct; Penalty: 3 months actual suspension, 21 months stayed suspension, upon return to practice, 2 years probation.

Jayvinth Johnson; Physical Therapist; Kendall Park, NJ 08824; Lic. No. 036353; Cal. No. 33030; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$1,000 fine.

## Public Accountancy

Kuhong Kim; Certified Public Accountant; Flushing, NY 11358; Lic. No. 102628; Cal. No. 33053; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Byron Von Brewer; Certified Public Accountant; Buffalo, NY 14213; Lic. No. 080103; Cal. No. 33055; Application for consent order granted; Penalty agreed upon: Partial actual suspension in the area of auditing for no less than 3 months, upon return to practice, 2 years probation, \$10,000 fine.

BK Accountants CPAs PLLC; Professional Limited Liability Company; Sunnyside, NY 11104; Cal. No. 33077; Application for consent order granted; Penalty agreed upon: \$2,500 fine.

KPMG LLP; Limited Liability Partnerships; New York, NY 10154; Cal. No. 33095; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$5,000 fine.

Robert A. Southworth; Certified Public Accountant; Loudonville, NY 12211; Lic. No. 062912; Cal. No. 33101; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$3,000 fine.

## Social Work

Edward Hardaway; Licensed Master Social Worker; Brooklyn, NY 11221; Lic. No. 085164; Cal. No. 33058; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Wolf Sigal; Licensed Master Social Worker, Licensed Clinical Social Worker; Monsey, NY 10952-2850; Lic. Nos. 075353, 077796; Cal. Nos. 33109, 33110; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$500 fine.



## **Veterinary Medicine**

Valentina Anurova; Veterinarian; Brooklyn, NY 11224; Lic. No. 010087; Cal. No. 32967; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Shane Kurt Erich Donner; Veterinarian; Ransomville, NY 14131; Lic. No. 012681; Cal. No. 32980; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$750 fine.

## **III. RESTORATIONS**

The Board of Regents voted on September 13, 2022 that within six months from the effective date of the Order, Dr. Antoinette Lloyd, Lehigh Acres, FL shall, obtain at her own expense a mental health evaluation from a qualified mental health professional, which shall note that she is mentally fit to practice her profession. Upon receipt of said evaluation, the execution of the surrender of Dr. Antoinette Lloyd's license to practice as a Physician in the State of New York be stayed, and that she be placed on probation for a period of two years under the specified terms and conditions of probation, and that upon completion of probation her application for restoration of her physician license be fully granted. Dr. Lloyd's license was surrendered March 15, 2012.

The Board of Regents voted on September 13, 2022 to deny the application for restoration of the physician license of Gangadhar Madupu, Rome, NY. Dr. Madupu's license was surrendered May 20, 2010.

# ATTACHMENT I



New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

A blurred background image of a classroom where several students have their hands raised, suggesting an interactive learning environment.

# FINAL SUBSTANTIAL EQUIVALENCE REGULATION

September 2022

# COMPULSORY EDUCATION LAW



Education Law §3204(2) requires that instruction for students in nonpublic schools “shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.”

# LOCAL PUBLIC & NONPUBLIC SCHOOLS' RESPONSIBILITIES UNDER COMPULSORY EDUCATION LAW

## Public School District:

Ensure resident students receive instruction to which they are entitled under the law.

## Public School District:

Confirm that the education provided in nonpublic schools is substantially equivalent to that of local public schools.

## Nonpublic School:

Demonstrate that instruction provided in their school is substantially equivalent.

# INCLUSIVE STAKEHOLDER OUTREACH



6 Virtual Stakeholder Meetings: with a diverse group of more than 500 individuals representing nonpublic school communities, public schools, and other stakeholders.



Numerous in-person meetings: with a diverse group of stakeholders facilitated by Members of the Board of Regents as well as NYSED staff.



Commissioner's Advisory Council on Nonpublic Schools: regular consultation with a broad spectrum of the nonpublic schools in New York State.

# PUBLIC COMMENTS & RESPONSE TO COMMENTS

- Approximately 350,000 comments received and reviewed
- All comments have been reviewed and responded to in the Assessment of Public Comment



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The definition of LSA for the New York City school district

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LSA must notify the nonpublic school when they have been deemed substantially equivalent via a pathway

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The Commissioner may extend the timelines for a nonpublic school to demonstrate SE upon a showing of good faith progress toward achieving SE

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A Commissioner's determination cannot be appealed to the Commissioner

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The Commissioner may direct another authority, which may include a BOCES, to investigate a complaint

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The Commissioner is not obligated to direct an investigation of a nonpublic school where a complaint does not have merit

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Section 130.9(b) and (c)'s references to the Education Law

## PROPOSED NON-SUBSTANTIAL REVISIONS-Clarified

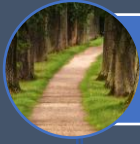
# KEY FEATURES OF THE FINAL REGULATION



Values-driven Collaborative Process



Respect for Different Instructional Models and Values



Multiple Pathways to Demonstrate Equivalence



Collaborative Focus on Core Instruction



Expectations for School Districts



Provide for a Complaint and Review Process



# MULTIPLE PATHWAYS FOR NONPUBLIC SCHOOLS

- Accreditation by a recognized accreditor
- Approved Private Special Education School ('853'), State-Operated, and State-Supported School ('4201')
- International Baccalaureate & U.S. Government-Approved Instruction
- Registered high schools (and their same-organization grade 1-8 programs)
- Demonstrate grade-level progress on approved assessments

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Instruction is given only by a competent teacher

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English is the language of instruction for common branch subjects

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Students who have limited English proficiency are provided with instructional programs enabling them to make progress toward English language proficiency

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Materials from other accreditation reviews that did not meet the criteria for a pathway determination from the last five years

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Instructional programs incorporate mathematics, science, English language arts, and social studies that is substantially equivalent to what is required in public schools

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Similar courses of instruction in all other areas as required by law in public schools

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For nonpublic schools to meet the criteria for Commissioner's final substantial equivalency determinations as stated in Education Law §3204(2)(ii)-(iii)



# CRITERIA FOR REVIEWS

# ADDRESSING POSSIBLE MISCONCEPTIONS

## The regulation does:

**NOT Impose** a new obligation on LSAs to ensure substantial equivalency in nonpublic schools

**NOT Require** all nonpublic schools to have an LSA review if they choose a pathway

**NOT Single out** any one group or groups

**NOT Mandate** specific curriculum or courses other than those required by statute

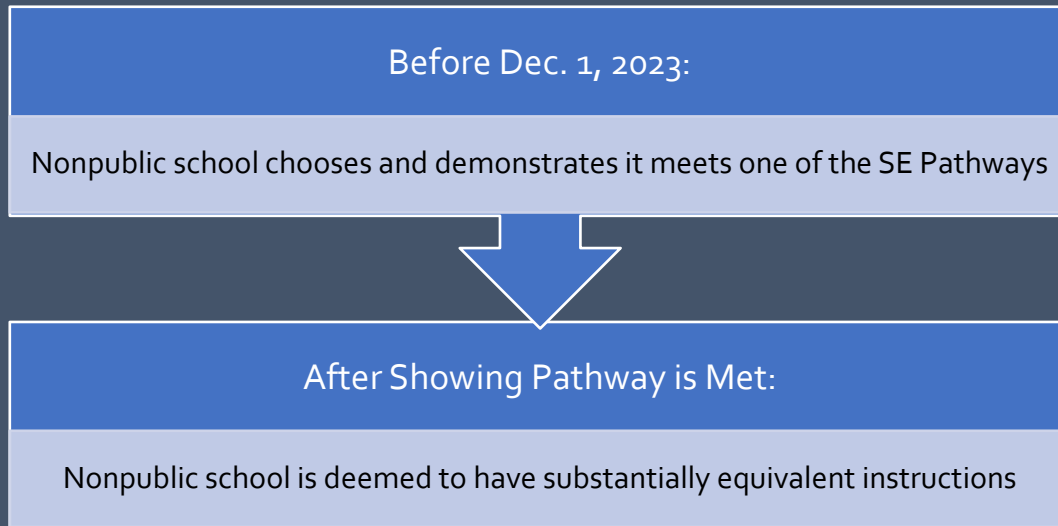
**NOT Allow** anyone to file an appeal to the Commissioner. Only aggrieved parties may file such an appeal

**NOT Regulate** religious instruction

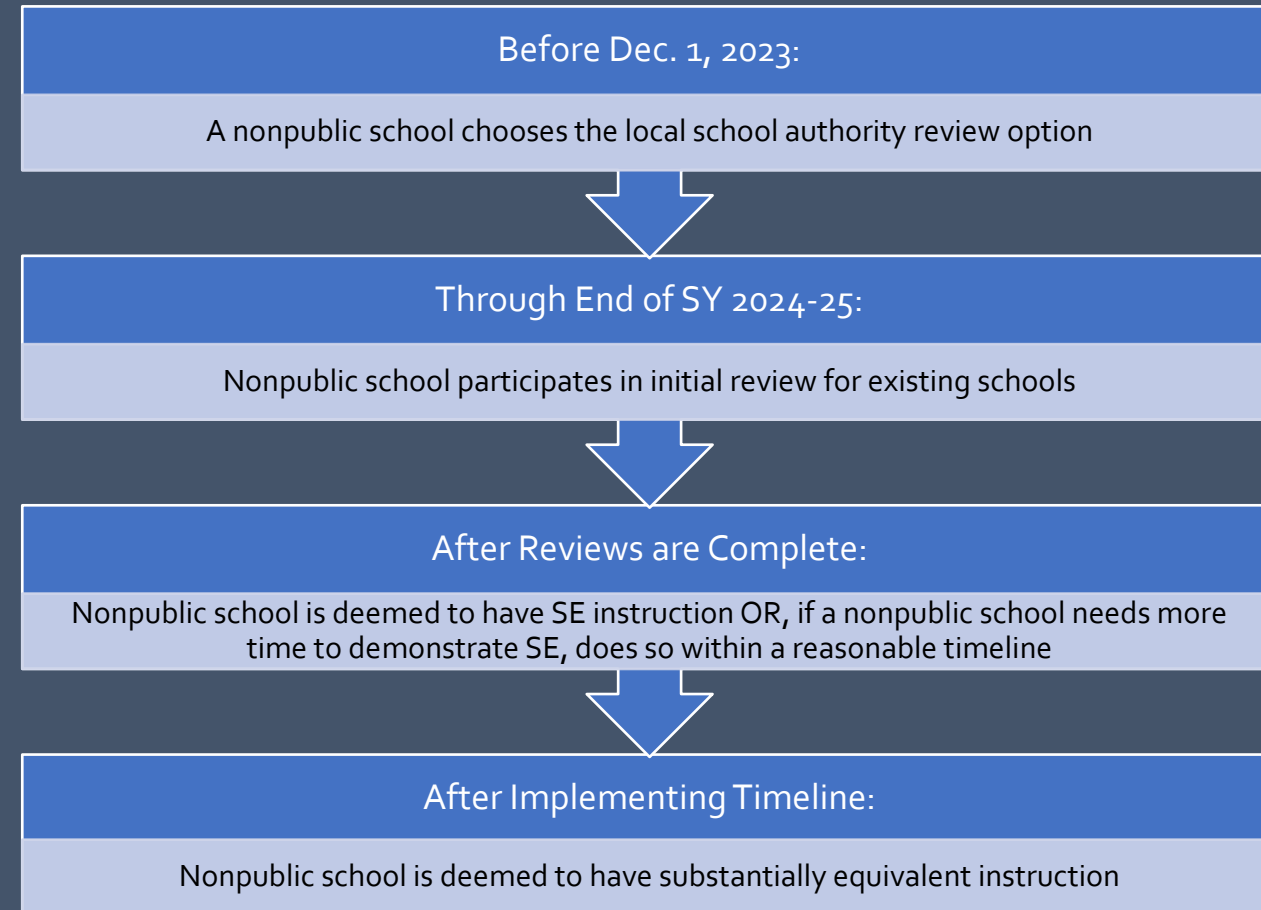
# EXPECTATIONS FOR NONPUBLIC SCHOOLS

Nonpublic schools may choose 1) a pathway or 2) to participate in a review by the local school district to demonstrate substantial equivalency (SE) of instruction

## Pathway Option



## Local Review Option



# EXPECTATIONS FOR DISTRICTS

**By Sept. 1, 2023**

Local School Authority (LSA) identifies nonpublic schools in their boundaries.

**Dec. 1, 2023**

LSA receives notice / evidence of pathway or selection of LSA review option.

**End of SY 2024-25**

LSA completes initial reviews for existing schools & within two years after a new school opens.

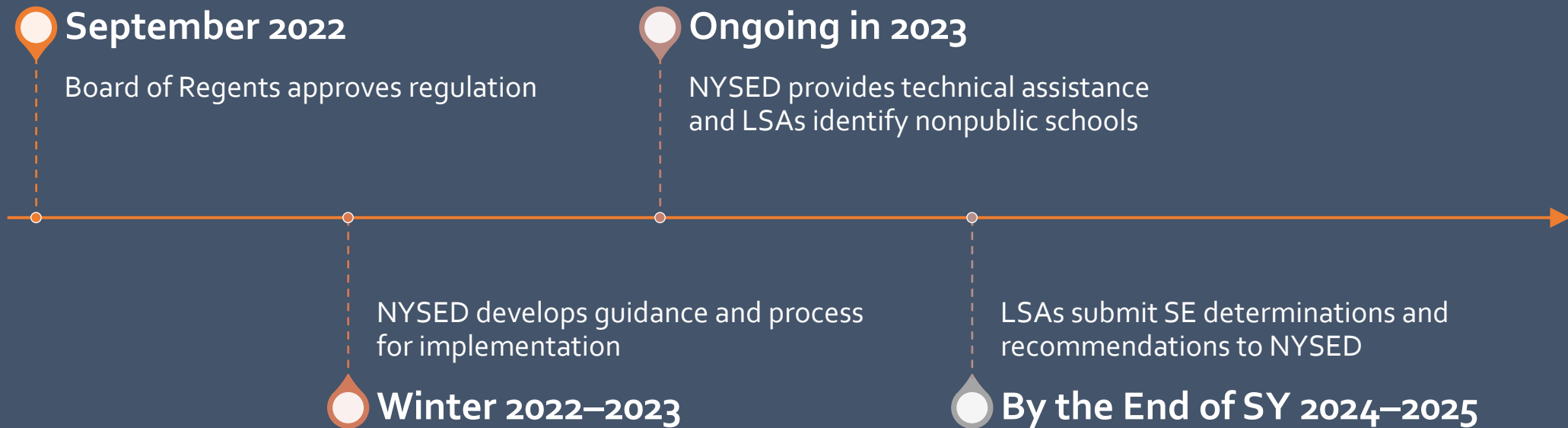
**After Reviews Complete**

School board votes on SE determinations for nonpublic schools requiring LSA review.

**Additional Time for SE Determination**

If a nonpublic school needs more time to demonstrate SE, it has a reasonable timeline for doing so the Commissioner can grant additional time.

# ANTICIPATED IMPLEMENTATION TIMELINE



# QUESTIONS



New York State  
EDUCATION DEPARTMENT  
[Knowledge](#) > [Skill](#) > [Opportunity](#)

# ATTACHMENT II



## *Resolution in Recognition of the Service and Dedication of Dora Lee Stanley*

Dora Lee Stanley will retire from her service at the Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) at the end of September 2022.

In 1980, Dora Lee relocated from Brooklyn to Saratoga to start her career in state service as a Vocational Rehabilitation Counselor at the Office for People with Developmental Disabilities Wilton Development Center. In 1984, she became a Vocational Rehabilitation Counselor at the NYS Crime Victim Board. In 2001, Dora Lee joined the Office of Special Education at the New York State Education Department, where she worked on middle school policies and interagency initiatives related to school-based mental health clinics. This work led to Dora Lee joining ACCES-VR, which at the time was VESID.

While at ACCES-VR, Dora Lee has worked in various areas, including the training of ACCES-VR staff, recruitment and mentoring of Vocational Rehabilitation Counselor interns, coordination of annual vendor and consumer satisfaction surveys, coordination of data exchange agreements with the Department of Labor, and facilitation of the Marge Tierney Scholarship.

In addition to these duties, Dora Lee has represented ACCES-VR on numerous advisory groups, including the Development Disability Planning Council, New York State Justice Center, and various Graduate School Programs in Vocational Rehabilitation. Dora Lee has also been instrumental in the development and implementation of the Advisory Council on Postsecondary Education for Students with Disabilities.

Dora Lee's greatest career legacy will be in her role as a mentor to each of ACCES-VR's 25 District Offices and Central Office staff. She has assisted staff in applying to graduate school vocational rehabilitation programs, applying for internships, and applying for employment at NYSED. Under Dora Lee's leadership, 425 interns have been mentored, 98 interns were hired as ACCES-VR Vocational Rehabilitation Counselors, and 17 graduate students have received the Marge Tierney Scholarship. This is a wonderful legacy to be proud of.

Dora Lee, you are truly one of a kind. With your meticulous attention to detail, gentle yet persistent style of follow up, positive energy, and encouraging demeanor, you have served the people of New York and the New York State Education Department with class, style and distinction. We thank you for your commitment to lifelong learning and growth and wish you joy, good health, lots of travel, and quality time with your loved ones as you enter this next chapter. It has been an honor having you as a member of the NYSED family.

BE IT THEREFORE RESOLVED, on this 13th day of September 2022, that the Members of the New York State Board of Regents acknowledge the service and dedication of Dora Lee Stanley to the State Education Department and the people of the State of New York.

**Lester W. Young, Jr.**  
*Chancellor*

**Christine D. Cea**  
*Co-Chair, ACCES Committee*

**Ruth B. Turner**  
*Co-Chair, ACCES Committee*

**Betty A. Rosa**  
*Commissioner*





## THE UNIVERSITY OF THE STATE OF NEW YORK

In Recognition of

*Brooke Canale*

As Co-Recipient of the

**NEW YORK STATE BOARD OF REGENTS**

**LOUIS E. YAVNER TEACHING AWARD FOR 2022**

*The New York State Education Department thanks you for your commitment and dedication to teaching the Holocaust and other areas of human rights, your contribution to the achievements of students and their teachers, and the positive effect you have on schools, community, and New York State.*

A handwritten signature in black ink, appearing to read "Lester W. Young, Jr.", written over a horizontal line.

Lester W. Young, Jr., Chancellor of the Board of Regents

A handwritten signature in black ink, appearing to read "Betty A. Ross", written over a horizontal line.

Betty A. Ross, Commissioner of Education

# ATTACHMENT IV



## THE UNIVERSITY OF THE STATE OF NEW YORK

In Recognition of

*Brandy Kinney*

As Co-Recipient of the

**NEW YORK STATE BOARD OF REGENTS**

**LOUIS E. YAVNER TEACHING AWARD FOR 2022**

*The New York State Education Department thanks you for your commitment and dedication to teaching the Holocaust and other areas of human rights, your contribution to the achievements of students and their teachers, and the positive effect you have on schools, community, and New York State.*

Lester W. Young, Jr., Chancellor of the Board of Regents

Betty A. Rosa, Commissioner of Education

# ATTACHMENT V



## THE UNIVERSITY OF THE STATE OF NEW YORK

In Recognition of


*Julie Golding*

As Recipient of the

**NEW YORK STATE BOARD OF REGENTS**

**LOUIS E. YAVNER CITIZEN AWARD FOR 2022**

*The New York State Education Department thanks you for your commitment and dedication to teaching the Holocaust and other areas of human rights, your contribution to the achievements of students and their teachers, and the positive effect you have on schools, community, and New York State.*



Lester W. Young, Jr., Chancellor of the Board of Regents



Betty A. Rosa, Commissioner of Education

# ATTACHMENT VI



In Recognition of

## LORI ATKINSON

As a Finalist for

### New York State Teacher of the Year 2023

**Lester W. Young, Jr.**  
*Chancellor*  
*New York State Board of Regents*

**Elizabeth Hakanson**  
*Member*  
*New York State Board of Regents*

**Betty A. Rosa**  
*Commissioner of Education*

# ATTACHMENT VII



In Recognition of

## ZACHARY ARENZ

As a Finalist for

## New York State Teacher of the Year 2023

**Lester W. Young, Jr.**  
*Chancellor*  
*New York State Board of Regents*

**Ruth Turner**  
*Member*  
*New York State Board of Regents*

**Betty A. Rosa**  
*Commissioner of Education*

# ATTACHMENT VIII

*University of the  
Education*



*The  
State of New York  
Department*

In Recognition of

## ANDI CAMMER

As a Finalist for

# New York State Teacher of the Year 2023

**Lester W. Young, Jr.**  
*Chancellor  
New York State Board of Regents*

**Josephine Victoria Finn**  
*Vice Chancellor  
New York State Board of Regents*

**Betty A. Rosa**  
*Commissioner of Education*

# ATTACHMENT IX

*University of the  
Education*



*The  
State of New York  
Department*

In Recognition of

**VANESSA JACKSON**

As a Finalist for

**New York State Teacher of the Year  
2023**

**Lester W. Young, Jr.**

*Chancellor*

*New York State Board of Regents*

**Roger Tilles**

*Member*

*New York State Board of Regents*

**Betty A. Rosa**

*Commissioner of Education*

# ATTACHMENT X



Be it Known that

**WILLIAM HARRIS GREEN, Jr.**

is hereby proclaimed

**New York State Teacher of the Year  
2023**

**Lester W. Young, Jr.**  
*Chancellor*  
*New York State Board of Regents*

**Shino Tanikawa**  
*Member*  
*New York State Board of Regents*

**Betty A. Rosa**  
*Commissioner of Education*