



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

TO: The Honorable the Members of the Board of Regents

FROM: Christopher J. Halpin, Secretary

SUBJECT: Summary of the January 2022 Meeting

DATE: February 3, 2022

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents approve the Summary of the January 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 February 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 January 2022 Meeting of the Board of Regents of The University of the State of New York be approved.

Timetable for Implementation

Effective February 15, 2022.



**SUMMARY OF THE JANUARY 2022 MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK
*Held by Video Conference***

January 10, 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 by Video Conference on Monday, January 10th at 9:30 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, January 10th at 9:30 a.m.

Board Members in Attendance:

Lester W. Young, Jr., *Chancellor*
Josephine Victoria Finn, *Vice Chancellor*
Roger Tilles
Christine D. Cea
James E. Cottrell
Judith Chin
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Ruth B. Turner
Aramina Vega Ferrer

Also present were Commissioner, Betty A. Rosa; Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James N. Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley; and Secretary, Board of Regents, Christopher J. Halpin. Regents Wade S. Norwood, Kathleen M. Cashin and Beverly L. Ouderkirk were absent and excused.

P-12 EDUCATION COMMITTEE MEETING

Your P-12 Education Committee held its scheduled meeting on January 10, 2022. Regents Cashin, Norwood and Ouderkirk were absent and excused.

ACTION ITEM

**Proposed Amendment to Section 100.5 of the Regulations of the Commissioner
of Education Relating to the January 2022 Administration of Regents
Examinations
P-12 (A) 2**

MOVED, that section 100.5(a) of the Regulations of the Commissioner of Education be amended, as submitted, effective January 11, 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 immediately provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration due the COVID-19 crisis so that students can still meet the diploma, credential, and endorsement requirements related to the passing of such examinations.

Motion by: Regent Christine D. Cea
Seconded by: Regent Aramina Vega Ferrer
Action: Motion passed unanimously.

PRESENTATION

Graduation Measures Update

Department staff provided an update on the Graduation Measures Regional Meetings held in December and January and an update on responses to the Department's ThoughtExchange on this topic.

ACTION ITEM

Proposed Amendment of Section 125.1 of the Regulations of the Commissioner of Education Relating to the Annual Visitation of Voluntarily Registered Nursery Schools and Kindergartens P-12 (A) 1

MOVED, that section 125.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 11, 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 continue to provide flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens during the 2021-2022 school year due to the COVID-19 crisis.

Motion by: Regent Christine D. Cea
Seconded by: Regent Frances G. Wills
Action: Motion passed unanimously.

HIGHER EDUCATION COMMITTEE MEETING

Your Higher Education Committee held its scheduled meeting on January 10, 2022. Regents Norwood and Cashin were absent and excused.

ACTION ITEMS

**Proposed Amendment to Section 52.21 of the Regulations of the Commissioner of Education Relating to the Assessment Requirements for School District Leader (SDL) and School District Business Leader (SDBL) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification
HE (A) 1**

MOVED, that Section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, as an emergency measure, effective January 11, 2022, upon a finding by the Board of Regents that such action is necessary for the preservation of general welfare to continue to exempt candidates enrolled in school district leader (SDL) and school district business leader (SDBL) programs from taking and passing the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional certification and to exempt candidates enrolled in a Transitional D program from taking and passing the SDL assessment for the institutional recommendation for Transitional D certification, to provide continuity for SDL, SDBL, and Transitional D candidates until the proposed rule can be permanently adopted.

Motion by: Regent Aramina Vega Ferrer
Seconded by: Regent Susan W. Mittler
Action: Motion passed unanimously.

**Proposed Amendment to Section 80-1.8 of the Regulations of the Commissioner of Education Relating to the Requirements for the Reissuance of an Initial Certificate
HE (A) 2**

MOVED, that section 80-1.8 of the Regulations of the Commissioner of Education be amended, as submitted, as an emergency measure, effective January 11, 2022, upon a finding by the Board of Regents that such action is necessary for the preservation of general welfare to immediately allow candidates to take the exam(s) required for the reissuance of their Initial certificate during the validity period of their Emergency COVID-19 certificate until the proposed rule can be permanently adopted.

Motion by: Regent Susan W. Mittler
Seconded by: Regent Aramina Vega Ferrer
Action: Motion passed unanimously.

CULTURAL EDUCATION MEETING

The Cultural Education Committee held its scheduled meeting on January 10, 2022. All members were present.

DISCUSSION ITEM

Update from the State Archives CE (D) 1

Department staff updated the committee on the programs and services of the State Archives and will review recent accessions to the collection.

ACTION ITEMS

Appointments to Regents Advisory Council on Museums CE (A) 1

MOVED, that the Board of Regents approve the Commissioner's appointment.

The Commissioner recommends the appointment of Joe Stahlman, PhD, Director of the Seneca-Iroquois National Museum, to the Regents Advisory Council on Museums.

Motion by: Regent James E. Cottrell
Seconded by: Regent Catherine Collins
Action: Motion passed unanimously.

Appointments to Regents Advisory Council on Libraries CE (A) 2

MOVED, that the Board of Regents approve the Commissioner's appointments.

The Commissioner recommends the appointment of Miranda Mims, Director, Rare Books, Special Collections, and Preservation at the University of Rochester, to the Regents Advisory Council on Libraries to fill the unexpired term of Tamar Evangelistia-Dougherty.

Motion by: Regent James E. Cottrell
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion passed unanimously.

EARLY CHILDHOOD WORK GROUP MEETING

The Early Childhood Work Group held its scheduled meeting on January 10, 2022. All members were present, with the exception of Regent Norwood, who was absent and excused.

PRESENTATION

Preschool Least Restrictive Environment

The Office of Special Education lead a conversation regarding preschool least restrictive environment and data reflecting preschool students with disabilities placed in a special class. This is Indicator 6B on the federal special education State Performance Plan, and information on it was recently shared with stakeholders for feedback.

PROFESSIONAL PRACTICE COMMITTEE MEETING

The Professional Practice Committee held its scheduled meeting on January 10, 2022. All members were present.

ACTION ITEM

Proposed Amendment to Section 63.9 of the Regulations of the Commissioner of Education Relating to the Administration of Immunizations by Pharmacists PPC (A) 1

MOVED, that section 63.9 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 31, 2022, as an emergency action, upon a finding by the Board of Regents that such an action is necessary for the preservation of the public health and general welfare in order to timely implement the requirements of Chapter 555 of the Laws of 2021, effective January 31, 2022, which supports access to immunization by expanding the kinds of immunizations which certified pharmacists may administer.

Motion by: Regent Frances G. Wills
Seconded by: Regent Christine D. Cea
Action: Motion passed. Regent Catherine Collins abstained from the vote.

MEETING OF THE FULL BOARD, Monday, January 10th at 2:35 p.m.

Board Members in Attendance:

Lester W. Young, Jr., *Chancellor*
Josephine Victoria Finn, *Vice Chancellor*
Roger Tilles
Christine D. Cea
Wade S. Norwood
James E. Cottrell
Judith Chin
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Ruth B. Turner
Aramina Vega Ferrer

Also present were Commissioner, Betty A. Rosa; Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James N. Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley; and Secretary, Board of Regents, Christopher J. Halpin. Regents Kathleen M. Cashin and Beverly L. Ouderkirk were absent and excused.

ACTION ITEMS

**Summary of the December 2021 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the December 2021 Meeting of the Board of Regents of The University of the State of New York be approved.

**Regents Monthly Meeting Dates, January - December 2023
BR (A) 4**

MOVED, that the list of Board of Regents meeting dates for the period January – December 2023 is approved.

Motion by: Regent Catherine Collins
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion passed unanimously.

**State Education Department December 2021 Fiscal Report
BR (A) 3**

MOVED, that Board of Regents accept the December 2021 State Education Department Fiscal Report as presented.

Motion by: Regent Elizabeth S. Hakanson
Seconded by: Regent Susan W. Mittler
Action: Motion passed unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

**Berkeley College: Regents authorization to award the Master of Business Administration (M.B.A.) degree and Master Plan Amendment to offer a Master of Business Administration program in Management
BR (CA) 1**

MOVED, that the Board of Regents authorize Berkeley College to award the Master of Business Administration (M.B.A.) degree and that the Board of Regents approve a master plan amendment to authorize Berkeley College to offer a program in Management leading to the M.B.A. degree. The master plan amendment will be effective until January 11, 2023, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

**Bryant and Stratton College, Albany Campus, Syracuse Campus, and Henrietta Campus: Regents authorization to award the Bachelor of Business Administration (B.B.A.) degree and Master Plan Amendment to offer a Bachelor of Business Administration degree in General Management
BR (CA) 2**

MOVED, that the Board of Regents authorize Bryant and Stratton College to award the Bachelor of Business Administration (B.B.A.) degree and approve a master plan amendment to authorize the college to offer a program in General Management at the Albany, Syracuse, and Henrietta campuses leading to the B.B.A. degree. The master plan amendment will be effective until January 11, 2023, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

**Proposed Amendment to Sections 3.29 and 13.10 of the Rules of the Board of Regents and Sections 52.1, 52.21, 70.9, 90.7, 126.1, 246.3, and 247.16 and Part 80 of the Regulations of the Commissioner of Education Relating to Removing References to Regional Accreditation
BR (CA) 3**

MOVED, that sections 3.29 and 13.10 of the Rules of the Board of Regents and sections 52.1, 52.21, 70.9, 90.7, 126.1, 246.3, and 247.16 and Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

**Proposed Amendment to Section 50.1(l) of the Regulations of the Commissioner of Education Relating to the Definition of “University”
BR (CA) 4**

MOVED, that section 50.1(l) of the Regulations of the Commissioner of Education relating to the definition of “university” be adopted, as amended, effective January 26, 2022.

P-12 Education

**Proposed Amendment of Section 100.21 of the Regulations of the Commissioner of Education Relating to Providing Flexibility for Accountability Requirements in Response to the COVID-19 Crisis
BR (CA) 5**

MOVED, that section 100.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

**Proposed Amendment to Section 114.5 of the Regulations of the Commissioner of Education Relating to the Prohibition Against Suing Parents or Guardians for Unpaid Meal Fees
BR (CA) 6**

MOVED, that section 114.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

**Petition of the City School District of the City of Poughkeepsie for Consent to Exceed the Constitutional Debt Limit
BR (CA) 7**

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Poughkeepsie in an amount not to exceed \$98,791,306, of which \$44,189,407 will be in excess of the constitutional debt limit, for a capital project consisting of the reconstruction and renovation, in part, and the construction of improvements and upgrades to various school district buildings and facilities (and sites thereof), including the acquisition of new furnishings, equipment, machinery, or apparatus required for such buildings, in excess of the constitutional debt limit of said school district.

**Proposed Technical Amendment to Section 100.2(gg)(8) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Reporting System
BR (CA) 8**

MOVED, that section 100.2(gg)(8) of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

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) 9**

MOVED, that Board of Regents approve the proposed (re)appointments.

**Report of the Committee on the Professions Regarding Licensing Petitions and Degree Conferrals
BR (CA) 10**

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

**Proposed Amendment to Subdivision (a) 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 Immunizations
BR (CA) 11**

MOVED, that subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 17, 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 timely authorize registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner to administer COVID-19 immunizations in order to enhance the protection of the public health by expanding access to needed COVID-19 immunizations for children and adults during the ongoing COVID-19 pandemic and to ensure that the emergency action taken at the October 2021 meeting remains continuously in effect.

**State University of New York Downstate Health Sciences University:
Authorization to Doctor of Occupational Therapy (O.T.D.) Degree
BR (CA) 12**

MOVED, that the Board of Regents authorize the SUNY Board of Trustees to award the O.T.D. degree on duly qualified students successfully completing the O.T.D. program at State University of New York Downstate Health Sciences University effective January 11, 2022.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Catherine Collins
Seconded by: Regent Frances G. Wills
Action: Motion passed unanimously.

STANDING COMMITTEE REPORTS

CULTURAL EDUCATION

Your Committee on Cultural Education had its scheduled meeting on January 10, 2022. Regent Roger Tilles and Regent Frances Wills, Co-Chairs of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Co-Chair, Regent Wills, Co-Chair, Regent Cea, Regent Cottrell, Regent Collins, Regent Mead, Regent Hakanson, Regent Reyes and Regent Turner. Regents, in addition to Cultural Education Committee members, in attendance were Chancellor Young, Regent Mittler and Regent Ferrer.

Also in attendance were: Commissioner Rosa, Senior Deputy Commissioner Baldwin, Executive Deputy Commissioner Cates-Williams, and Deputy Commissioner for Legal Affairs Morton-Bentley.

ITEMS FOR DISCUSSION

Co-Chairs Regent Tilles and Regent Wills welcomed everyone.

Deputy Commissioner's Report (Discussion)

Deputy Commissioner Mark Schaming provided an update on the Office of Cultural Education's programs and services including:

- A collection of 2,000 original photographs by Joel Meyerowitz was gifted to the State Museum by an anonymous donor.
- The New York State Museum served 5,159 students on virtual field trips.
- The State Library is reviewing applications for the \$5.5 million in ARPA funding from the Institute of Museum and Library Services.

Appointments to the Regents Advisory Council on Museums (Action)

Deputy Commissioner Mark Schaming presented an appointment to the Regents Advisory Council on Museums for a five-year term:

- Joe Stahlman, PhD, Director of the Seneca-Iroquois National Museum

Motion: Regent Cottrell

Second: Regent Collins

Motion carries with unanimous approval.

Appointment to the Regents Advisory Council on Libraries (Action)

Deputy Commissioner Mark Schaming presented an appointment to the Regents Advisory Council on Libraries for a four-year term:

- Miranda Mims, Director, Rare Books, Special Collections, and Preservation at the University of Rochester

Motion: Regent Cottrell

Second: Regent Hakanson

Motion carries with unanimous approval.

Update from the State Archives (Discussion)

Tom Ruller, Assistant Commissioner of Archives, updated the Regents Committee on the programs and services of the State Archives and reviewed recent accessions to the collection.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on January 10, 2022. All members of the Committee were present, with the exception of Regent Cashin, who was absent and excused.

Action Items

MOTION FOR ACTION BY FULL BOARD

Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on January 10, 2022, copies of which have been distributed to each member of the Board of Regents.

Matters Requiring Board Action:

Proposed Amendment to Section 52.21 of the Regulations of the Commissioner of Education Relating to Assessment Requirements for School District Leader (SDL) and School District Building Leader (SDBL) Program Completion, the Institutional Recommendation for Professional SDL and SDBL Certification, and the Institutional Recommendation Transitional D Certification - Department staff presented a proposed regulatory amendment to eliminate the requirement that candidates enrolled in New York State registered school district leader (SDL) and school district business leader (SDBL) programs must pass the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional certification and eliminate the requirement that candidates who are enrolled in a Transitional D program must pass the SDL assessment for the institutional recommendation for Transitional D certification.

VOTED: The Board of Regents voted that Section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, as an emergency measure, effective January 11, 2022, upon a finding that such action is necessary for the preservation of general welfare to continue to exempt candidates enrolled in school district leader (SDL) and school district business leader (SDBL) programs from taking and passing the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional certification and to exempt candidates enrolled in a Transitional D program from taking and passing the SDL assessment for the institutional recommendation for Transitional D certification, to provide continuity for SDL, SDBL, and Transitional D candidates until the proposed rule can be permanently adopted.

Proposed Amendment to Section 80-1.8 of the Regulations of the Commissioner of Education Relating to the Requirements for the Reissuance of an Initial Certificate - Department staff presented a revised proposed regulatory amendment to remove the continuing teacher and leader education (CTLE)/professional learning requirement for the reissuance of an Initial certificate, add the school counselor assessment to the list of acceptable assessments for the reissuance, and allow candidates to take the exam(s) required for the reissuance during the validity period of their Emergency COVID-19 Initial Reissuance certificate.

VOTED: The Board of Regents voted that section 80-1.8 of the Regulations of the Commissioner of Education be amended, as submitted, as an emergency measure, effective January 11, 2022, upon a finding that such action is necessary for the preservation of general welfare to immediately allow candidates to take the exam(s) required for the reissuance of their Initial certificate during the validity period of their Emergency COVID-19 certificate until the proposed rule can be permanently adopted.

Consent Agenda Items:

Proposed Amendment to Section 50.1(l) of the Regulations of the Commissioner of Education Relating to the Definition of “University” - The Board of Regents voted to adopt section 50.1(l) of the Regulations of the Commissioner of Education relating to the definition of “university”, as amended, effective January 26, 2022.

Proposed Amendment to Sections 3.29 and 13.10 of the Rules of the Board of Regents and Sections 52.1, 52.21, 70.9, 90.7, 126.1, 246.3, and 247.16 and Part 80 of the Regulations of the Commissioner of Education Relating to Removing References to Regional Accreditation - The Board of Regents voted that sections 3.29 and 13.10 of the Rules of the Board of Regents and sections 52.1, 52.21, 70.9, 90.7, 126.1, 246.3, and 247.16 and Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

Berkeley College: Regents authorization to award the Master of Business Administration (M.B.A.) degree and Master Plan Amendment to offer a Master of Business Administration program in Management - The Board of Regents voted to authorize Berkeley College to award the Master of Business Administration (M.B.A.) degree and the Board approved a master plan amendment to authorize Berkeley College to offer a program in Management leading to the M.B.A. degree. The master plan amendment will be effective until January 11, 2023, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

Bryant and Stratton College, Albany Campus, Syracuse Campus, and Henrietta Campus: Regents authorization to award the Bachelor of Business Administration (B.B.A.) degree and Master Plan Amendment to offer a Bachelor of Business Administration degree in General Management - The Board of Regents voted to authorize Bryant and Stratton College to award the Bachelor of Business Administration (B.B.A.) degree and the Board approved a master plan amendment to authorize the college to offer a program in General Management at the Albany, Syracuse, and Henrietta campuses leading to the B.B.A. degree. The master plan amendment will be effective until January 11, 2023, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on January 10, 2022. Regents Cashin, Norwood and Ouderkirk were excused.

ACTION ITEMS

Proposed Amendment of Section 125.1 of the Regulations of the Commissioner of Education Relating to the Annual Visitation of Voluntarily Registered Nursery Schools and Kindergartens [P-12 (A) 1]

Your committee recommends that section 125.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 11, 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 continue to provide flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens during the 2021-2022 school year due to the COVID-19 crisis.

The motion passed. There were no oppositions or abstentions.

Proposed Amendment to Section 100.5 of the Regulations of the Commissioner of Education Relating to the January 2022 Administration of Regents Examinations [P-12 (A) 2]

Your committee recommends that section 100.5(a) of the Regulations of the Commissioner of Education be amended, as submitted, effective January 11, 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 immediately provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration due the COVID-19 crisis so that students can still meet the diploma, credential, and endorsement requirements related to the passing of such examinations.

The motion passed. There were no oppositions or abstentions.

MOTION FOR ACTION BY FULL BOARD

Your P-12 Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the oral report of the Committee's deliberations at its meeting on January 10, 2022.

MATTERS NOT REQUIRING BOARD ACTION

Graduation Measures Update

Department staff provided an update on the Graduation Measures Regional Meetings held in December 2021 and early January 2022 and an update on responses to the Department's "ThoughtExchange" on this topic.

Consent Agenda

The Board of Regents took action on the following consent agenda items at its January 2022 meeting.

- Proposed Technical Amendment to Section 100.2(gg)(8) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Reporting System (Final Adoption)
- Proposed Amendment to Section 114.5 of the Regulations of the Commissioner of Education Relating to the Prohibition Against Suing Parents or Guardians for Unpaid Meal Fees
- Proposed Amendment of Section 100.21 of the Regulations of the Commissioner of Education Relating to Providing Flexibility for Accountability Requirements in Response to the COVID-19 Crisis
- Petition of the City School District of the City of Poughkeepsie for Consent to Exceed the Constitutional Debt Limit

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on January 10, 2022. All Committee members participated in the meeting by video conference call. Chancellor Lester W. Young, Jr., Regent Roger Tilles, Regent Judith Chin, Regent Nan Eileen Mead, Regent Luis O. Reyes, and Regent Aramina Vega Ferrer also attended the meeting, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends, upon the recommendation of the Committee on the Professions, that 37 consent order applications and 5 surrender applications be granted.

These recommendations are made following the review of 42 cases involving twelve registered professional nurses, eight licensed practical nurses, four licensed practical nurses who are also registered professional nurses, two architects, two certified public accountants, two physical therapists, one clinical laboratory technologist, one licensed marriage and family therapist, one licensed master social worker who is also a licensed clinical social worker, one pharmacist, one podiatrist, one professional engineer, and one veterinarian.

MOTION FOR ACTION BY FULL BOARD

Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on January 10, 2022, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Your Committee discussed several topics of interest, including:

Deputy Commissioner's Report/Update

- Full Board Consent Agenda Items
 - Board (Re)Appointments
 - Conferral of Degrees
 - State University of New York Downstate Health Sciences University: Authorization to Doctor of Occupational Therapy (O.T.D.) Degree
 - Proposed Amendment to Subdivision (a) 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 Immunizations (Emergency Action)

Proposed Amendment to Section 63.9 of the Regulations of the Commissioner of Education Relating to the Administration of Immunizations by Pharmacists (Emergency Action)

In order to implement the provisions of Chapter 555 of the Laws of 2021, the proposed amendments to sections 63.9 of the Commissioner's regulations would remove the sunset provisions for the authorization for certified pharmacists to administer certain immunizations and remove the requirement that the licensed physician or certified nurse practitioner, who prescribes or issues a patient specific order or a non-patient specific order for a pharmacist to administer immunizations, must have a practice site in the county or adjoining county in which the immunizations are administered and also clarifies that the physician or certified nurse practitioner who issues such orders must be licensed, registered and located in New York State. The proposed amendments also add hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, and varicella to the list of immunizing agents certified pharmacists can administer to patients 18 years of age or older, pursuant to a patient specific or a non-patient specific order, and permits certified pharmacists to administer other immunizations recommended by the ACIP of the CDC for patients 18 years of age or older, pursuant to a patient specific or a non-patient specific order, if the Commissioner of DOH in consultation with the Commissioner of SED determines that an immunization meets specific criteria.

MOVED, that the Committee Reports be approved.

Motion by: Regent Judith Chin
Seconded by: Regent James E. Cottrell
Action: Motion carried unanimously.

Chancellor Young adjourned the meeting.

Appendix I

REGENTS ACTIONS IN 42 PROFESSIONAL DISCIPLINE CASES JANUARY 10, 2022

The Board of Regents announced disciplinary actions resulting in the surrender of 5 licenses, and 37 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. SURRENDERS

Architecture

Roderick John Etzel; Architect; Dewitt, NY 13214; Lic. No. 023765; Cal. No. 32513; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Possessing a Sexual Performance by a Child.

Nursing

Manju Joseph; Registered Professional Nurse; Edinburg, TX 78539-0972; Lic. No. 561594; Cal. No 32786; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of Texas, incorrectly documenting that a patient had refused medication and that the medication was wasted.

Nia Faerron Bottoms; Licensed Practical Nurse; Jeffersonville, IN 47130; Lic. No. 195498; Cal. No. 32858; Application to surrender license granted. Summary: Licensee admitted to the charge of, in the State of Indiana, having been convicted of Use of a Communication Facility to Facilitate the Distribution of Cocaine, a felony.

Podiatry

Hal F. Abrahamson; Podiatrist; Melville, NY 11747; Lic. No. 004608; Cal. No. 31939; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Health Care Fraud, a felony.

Public Accountancy

Richard Steven Gross; Certified Public Accountant; Yonkers, NY 10704; Lic. No. 054535; Cal. No. 32809; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of Offering a False Instrument for Filing in the 1st Degree, a class E felony.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Qiang Su; Architect; Flushing, NY 11354-3704; Lic. No. 030112; Cal. No. 32673; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$5,000 fine.

Clinical Laboratory Technology

Ravinder; Clinical Laboratory Technologist; New York, NY 10036; Lic. No. 016022; Cal. No. 32576; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$1,500 fine.

Engineering, Land Surveying, and Geology

Kenneth Philogene; Professional Engineer; Plainfield, NJ 07060; Lic. No. 062895; Cal. No. 32501; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$5,000 fine.

Mental Health Practitioners

Andrew Frank Schildhaus; Licensed Marriage and Family Therapist; Massapequa Park, NY 11762-4051; Lic. No. 000346; Cal. No. 32627; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.

Nursing

Gary Benjamin Thurston; Licensed Practical Nurse; Cayuga, NY 13034; Lic. No. 248438; Cal. No. 31659; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 2 years stayed suspension, upon return to practice, 2 years probation.

Alexandra Grajko; Registered Professional Nurse; Smithtown, NY 11787; Lic. No. 700657; Cal. No. 32050; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$500 fine.

Gary Lee Washington; Licensed Practical Nurse; Cincinnati, OH 45239; Lic. No. 334169; Cal. No. 32201; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice in New York State, 2 years probation, \$250 fine.

Marina Carol Davis; Licensed Practical Nurse, Registered Professional Nurse; Avoca, NY 14809; Lic. Nos. 224368, 719197; Cal. Nos. 32367, 32368; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Wendy Ann DeFruscio a/k/a Wendy Ann Mason; Licensed Practical Nurse, Registered Professional Nurse; Waterford, NY 12188; Lic. Nos. 159385, 487063; Cal. Nos. 32432, 32030; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jasjit Singh; Registered Professional Nurse; Yonkers, NY 10710; Lic. No. 728763; Cal. No. 32472; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Bettyann Dyber a/k/a Bettyann Honce; Licensed Practical Nurse, Registered Professional Nurse; Patchogue, NY 11772; Lic. Nos. 240449, 477544; Cal. Nos. 32486, 32487; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Anna Monica Suska a/k/a Anna M. Catlin; Licensed Practical Nurse, Registered Professional Nurse; Ransomville, NY 14131; Lic. Nos. 280889, 575837; Cal. Nos. 32490, 32471; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Robert Anthony Rivera; Registered Professional Nurse; Buffalo, NY 14225-1209; Lic. No. 687181; Cal. No. 32530; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Stormy Jeanne Lake a/k/a Stormy Jones; Licensed Practical Nurse; Schenectady, NY 12305; Lic. No. 228786; Cal. No. 32532; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$250 fine.

Olivia Rachel D'Amico; Registered Professional Nurse; Webster, NY 14580-9765; Lic. No. 647712; Cal. No. 32570; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Kimber Leah Spencer; Registered Professional Nurse; Hornell, NY 14843; Lic. No. 726974; Cal. No. 32605; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Jean Marie Riley; Registered Professional Nurse; North Tonawanda, NY 14120-4401; Lic. No. 467867; Cal. No. 32622; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Tracey Lee Christoffersen; Licensed Practical Nurse; Bay Shore, NY 11706; Lic. No. 326877; Cal. No. 32631; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Caitlin Jean Wing; Licensed Practical Nurse; Hornell, NY 14843; Lic. No. 326576; Cal. No. 32646; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Kimberly Lynn Ransom; Licensed Practical Nurse; Allegany, NY 14706; Lic. No. 322402; Cal. No. 32655; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Lakia Shanise Tunstall; Registered Professional Nurse; Buffalo, NY 14211; Lic. No. 684762; Cal. No. 32657; 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.

Lori Marie Canfield; Registered Professional Nurse; Kirkwood, NY 13795; Lic. No. 579542; Cal. No. 32664; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 month and until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Kylie Morgan DeWilde; Licensed Practical Nurse; Clifton Springs, NY 14432; Lic. No. 339459; Cal. No. 32680; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Shirley Marcelo Musngi; Registered Professional Nurse; Charlottesville, VA 22903-7892; Lic. No. 441084; Cal. No. 32693; 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.

Richard Castillo Corpuz; Registered Professional Nurse; Daly City, CA 94015-4142; Lic. No. 638123; Cal. No. 32717; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, upon return to practice in New York State, 1 year probation, \$500 fine.

Michael W. Jamieson; Registered Professional Nurse; Central Islip, NY 11722; Lic. No. 752523; Cal. No. 32727; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Pharmacy

Shafqat A. Mir; Pharmacist; Warren, NJ 07059; Lic. No. 029262; Cal. No. 32525; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$10,000 fine.

Physical Therapy

Chaolin Fu; Physical Therapist; Hicksville, NY 11801; Lic. No. 015151; Cal. No. 32446; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$2,500 fine.

Dianne S. Raney; Physical Therapist; Mendon, NY 14506-9736; Lic. No. 011523; Cal. No. 32560; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$500 fine.

Public Accountancy

Deirdre Clare Morrison; Certified Public Accountant; Fuquay-Varina, NC 27526; Lic. No. 048468; Cal. No. 32702; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice in New York State, 2 years probation, \$2,500 fine.

Social Work

Kathy Neily; Licensed Master Social Worker, Licensed Clinical Social Worker; Newcastle, ME 04553; Lic. Nos. 049732, 071770; Cal. Nos. 32606, 32607; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, upon return to practice in New York State, 2 years probation.

Veterinary Medicine

William H. Marienberg; Veterinarian; Bronx, NY 10469; Lic. No. 004398; Cal. No. 31968; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.