



TO: The Honorable the Members of the Board of Regents
FROM: Sarah S. Benson *Sarah S. Benson*
SUBJECT: Proposed Amendment of Section 3.57 of the Rules of the Board of Regents Relating to the Conferral of the Degree of Doctor of Medicine (M.D.) by the Board of Regents
DATE: April 1, 2021
AUTHORIZATION(S): *Jan N. G.* *Beth A. M.*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amend of section 3.57 of the Rules of the Board of Regents relating to the conferral of the degree of doctor of medicine (M.D.) by the Board of Regents?

Reason for Consideration

Required by State statute (L. 1998, Ch. 512 and L. 1989, Ch. 62, §20).

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the April 2021 meeting of the Board of Regents. A copy of the proposed rule is included is attached (Attachment A). Supporting materials are available upon request from the Secretary to the Board of Regents.

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion at the December 2020 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on December 30, 2020.

Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed.

Background Information

In accordance with Education Law §6529, the Board of Regents is authorized, in its discretion, to confer the degree of doctor of medicine (M.D.) upon physicians, who are licensed pursuant to Education Law §§6524 and 6528. Each applicant for MD degree conferral must pay a \$300 fee to the Department for its issuance. Applications to the Board of Regents for the conferral of the M.D. degree are from foreign-educated physicians who received a medical degree in their respective home countries that is not designated as an M.D. degree. Chapter 512 of the Laws of 1998 (Chapter 512), effective September 1, 1998, amended Education Law §6529 by eliminating a requirement that applicants for MD degree conferral have, at least, three years' experience in the practice of medicine in New York State subsequent to licensure in this State which is satisfactory to the State Board for Medicine. As a result of Chapter 512, there is currently no experience requirement for conferral of the MD degree.

However, section 3.57 of the Rules of the Board of Regents was not amended to remove this foreign-educated graduate three years' experience requirement for M.D. conferral. Earlier this year, this inadvertent omission was discovered by Office of the Professions staff. Additionally, section 3.57 of the Rules of the Board of Regents does not include the fee of \$300 to the Education Department for the issuance of such degree as prescribed in Education Law §6529.¹

The proposed amendment is, therefore, necessary to conform section 3.57 of the Rules of the Board of Regents to Education Law §6529, as amended by Chapter 512 of the Laws of 1998 and Section 20 of Chapter 62 of the Laws of 1989.

Related Regent's Items

December 2020: [Proposed Amendment to Section 3.57 of the Rules of the Board of Regents Relating to the Conferral of the Degree of Doctor of Medicine \(M.D.\) by the Board of Regents](#)

(<https://www.regents.nysed.gov/common/regents/files/1220ppcd1.pdf>)

Recommendation

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

VOTED: That section 3.57 of the Rules of the Board of Regents be amended, as submitted, effective April 28, 2021.

Timetable for Implementation

If adopted at the April 2021 meeting, the proposed rule will become effective on April 28, 2021.

¹ It should be noted the Section 20 of Chapter 62 of the Laws of 1989 amended section 6529 of Education Law by raising the fee amount from \$75 to \$300. The Department has been collecting this \$300 fee since this amendment. Chapter 512 of the Laws of 1998 retained this \$300 fee amount.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 207, 6504, 6507, 6521, 6522, 6524, 6528 and 6529 of the Education Law, Chapter 512 of the Laws of 1998 and Section 20 of Chapter 62 of the Laws of 1989

1. Section 3.57 of the Rules of the Board of Regent is amended, as follows:

An applicant for the degree of doctor of medicine (M.D.) pursuant to the provisions of section 6529 of the Education Law, shall submit evidence, satisfactory to the department, of:

(a) completion of a medical education program in a foreign medical school satisfactory to the department which does not grant the degree doctor of medicine (M.D.) and in which the philosophy and curriculum were equivalent, as determined by the department, in accordance with the policy of the Board of Regents, to those in programs leading to the degree of doctor of medicine (M.D.) at medical schools in the United States satisfactory to or registered by the Board of Regents and the department;

(b) [at least three years in the practice of medicine in New York State subsequent to licensure in this State and satisfactory to the State Board for Medicine. A year of practice shall consist of not less than 30 hours per week extending for at least 44 weeks in any 12-month period. For purposes of this section, practice shall include not only direct patient care but those other functions and responsibilities for which a medical license is required; and

(c)] licensure to practice medicine in New York State in accordance with provisions of section 6524 or 6528 of the Education Law or their equivalent as determined by the Regents pursuant to their authority under section 6506 of the Education Law[.]; and

(c) each applicant shall pay a fee of three hundred dollars to the education department for the issuance of such degree.