



**TO:** The Honorable Members of the Board of Regents  
**FROM:** Sarah S. Benson *Sarah A. Benson*  
**SUBJECT:** Report of the Committee on the Professions Regarding  
Licensing Petitions and Degree Conferrals  
**DATE:** May 5, 2022

**AUTHORIZATION(S):** *Betty M...*

**SUMMARY**

**Issue for Decision (Consent)**

Should the Board of Regents approve the recommendations of the Committee on the Professions pertaining to licensing petitions and degree conferrals as listed on the attachment?

**Reason(s) for Consideration**

Required by State Statute.

**Proposed Handling**

This issue will come before the Full Board at its May 2022 meeting where it will be voted on and action taken.

**Procedural History**

Section 6506(5) of the Education Law and Section 24.7 of the Rules of the Board of Regents authorize the Regents to waive education, experience, and examination requirements for a professional license as well as to confer the degree Doctor of Medicine.

**Background Information**

There are three licensing petitions and seven requests for the conferral of the degree of Doctor of Medicine for review and determination.

**Related Regents Items**

Not Applicable.

**Recommendation**

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

VOTED: That the Board of Regents approve the recommendations of the Committee on the Professions regarding the degree conferrals.

**Timetable for Implementation**

Approval of the Committee on the Professions' recommendations will be effective, May 17, 2022.

Cases Presented to Board of Regents on May 17, 2022

SUMMARY REPORT

PROFESSION	EDUCATION			EXAMINATION		Experience	Confer Degree Doctor of Medicine
	Pre-Professional	Professional	Post-Graduate	Proficiency	Licensing		
Certified Public Accountancy		22-01-07					
Applied Behavior Analysis					22-08-71 <sup>1</sup> And 22-01-78		
Medicine							22-33-60C To 22-39-60C
OTHER:						Total for fiscal year to date:	12
						Total for calendar year to date:	60

<sup>1</sup> Approval be given to waive the New York autism examination for certain Licensed Behavior Analyst and Certified Behavior Analyst Assistant licensure applicants.

## Board of Regents, May 17, 2022

### **CERTIFIED PUBLIC ACCOUNTANCY**

22-01-07

Valeriya Kandakova

(Rutgers University, Newark, New Jersey, Master of Accountancy in Taxation, May 2016)

Petition for: Waiver of 18-month conditioning requirement for CPA Examination.

Statement of Problem: Ms. Kandakova is an applicant for licensure as a CPA and recently passed all four parts of the Uniform CPA Examination. However, the applicant exceeded the 18-month conditioning requirements by six months or two testing windows. The applicant previously requested an extension as per the Commissioner's Regulation 70.4.c.1 and it was denied.

Ms. Kandakova sat for and passed the Regulation (REG) section of the Examination on her first attempt in August 2018. Under the 18-month conditioning requirements, she needed to pass the remaining three sections by March 31, 2020 in order to retain credit for REG. She passed the Business Environment and Concepts (BEC) section on her third attempt in July 2019 and the Financial Accounting and Reporting (FAR) section on her fourth attempt in September 2019. She sat for and failed the Auditing and Attestation (AUD) section four times between June 2019 and February 2020 before her conditioning period expired. She subsequently sat for the AUD section two more times in July and August before passing it on her seventh attempt in September 2020.

Ms. Kandakova applied for licensure in November 2020 without including an extension request or supporting documentation. Her education was approved in November 2021 after completing required makeup coursework. She was then informed that her exam scores were outside the 18-month window. At that time, she requested an extension of the 18-month conditioning requirement based on a Quarter 1 disruption due to COVID. This request was denied as untimely, because it was not received by the set deadline of December 31, 2020, and because she had the ability to sit in Q1 and failed.

Ms. Kandakova then requested an extension due to a medical condition. She submitted documentation for treatment during the period of January to February 2019 and additional accommodations in March 2020. The extension was denied as it was determined that the medical condition did not significantly impact the timeline of events for her 18-month conditioning period as she consistently sat for the exams during this period. Upon Ms. Kandakova's appeal of this determination, the Department consulted with the examination committee of the state board and the examination committee also did not support the extension.

Ms. Kandakova is further appealing the decision of the Department and the only recourse is a Board of Regents review and determination. The applicant insists that this medical condition negatively impacted her ability to pass all sections of the exam during the

conditioning period. The Executive Secretary does not support this petition to waive the 18-month condition requirement.

APPLICABLE REQUIREMENTS	QUALIFICATIONS
Section 7404 of Education Law and Part 70 of the Commissioner’s Regulations require:	
(1) A bachelor’s or higher degree based on a program in accountancy.	<p>(1)(a) Magnitogorsk State Technical University named after G.I. Nosov, Magnitogorsk, Russia, Specialist Diploma, July 2011.</p> <p>(1)(b) Rutgers University, Newark, New Jersey, Master of Accountancy in Taxation, May 2016.</p> <p>(1)(c) Hunter College, CUNY, New York, New York, undergraduate makeup course, Spring 2018.</p> <p>(1)(d) Queens College, CUNY, Queens, New York, undergraduate makeup course, Summer 2021.</p>
(2) Passing scores on the Uniform CPA Examination.	<p>(2)(a) August 2018: Regulation (passing score).</p> <p>(2)(b) July 2019: Business Environment and Concepts (passing score).</p> <p>(2)(c) September 2019: Financial Accounting and Reporting (passing score).</p> <p>(2)(d) September 2020: Auditing and Attestation (passing score).</p>
(3) One year of satisfactory experience.	(3)

**RECOMMENDATION:** The Committee on the Professions, in concurrence with the Executive Secretary of the State Board for Public Accountancy, recommends that the applicant’s petition for acceptance of passing grades on the Uniform CPA Examination be denied.

## **APPLIED BEHAVIOR ANALYSIS**

22-08-71 and 22-01-78

Petition for: Waiver of New York State Autism Examination

Statement of the Problem: Licensure in New York as a Licensed Behavior Analyst (LBA) or Certified Behavior Analyst Assistant (CBAA) involves fulfillment of specific education, experience, and examination requirements, acceptable to the Department. The acceptable licensing examination for LBA and CBAA is defined in Commissioner's Regulations §79-17.3(a) and §79-18.3(a), respectively, with the language:

*Content. The licensing examination shall consist of an examination designed to test knowledge related to all areas of applied behavior analysis.*

In conformance with these requirements, the Department determined that individuals who applied on or after the effective date of the law, but who did not qualify for the grandparenting pathway, must pass the examination offered by the Behavior Analysis Certification Board (BACB) and a separate New York-specific examination related to autism and related disorders, offered by the same organization.

NYSED had an agreement with the BACB to offer the two examinations to Department-approved applicants through February 28, 2022. Since that date, the BACB has ceased offering the autism examination entirely, as it is not required in any jurisdiction other than New York. In recent communications with the Department, the BACB confirmed that the national examination appropriately tests candidates on their ability to use applied behavior analysis techniques to treat autism. The New York-specific autism examination is not required in the Education Law or the Regulations of the Education Commissioner. As such, based on this new information, the Department has updated its policy and no longer requires the autism examination of anyone who applied for licensure as of March 1, 2022.

However, as noted, prior to this change in policy, applicants were required to complete this exam. There are at least 115 LBA and 3 CBAA New York applicants who applied during the timeframe when the autism examination was required and who have met, or will meet, all requirements for licensure except the autism examination. Based on statements by the BACB that the national examination adequately tests candidates' knowledge about autism and related disorders within the practice of applied behavior analysis, and the Department's corresponding change in policy, the Acting Executive Secretary recommends that the autism examination for this cohort of candidates, and any other similarly situated candidates whose applications are in process, be waived on the basis that the examination requirement has been substantially met.

AFFECTED APPLICANTS:	RECOMMENDED ACTION:
Candidates for professional LBA or CBAA licensure who applied prior to March 1, 2022, and therefore need to document fulfillment of the New York autism examination required at the time of their application.	Accept as fulfilled the requirement to document an acceptable examination of the applicants' knowledge of autism and related disorders within the practice of applied behavior analysis.

**RECOMMENDATION:** The Committee on the Professions, in concurrence with the Acting Executive Secretary of the State Board for Applied Behavior Analysis, recommends that the autism examination be waived for those LBA and CBAA applicants who applied prior to the change in policy, and who have not yet satisfied this requirement.

**MEDICINE**

**Petition for:** Conferral of the degree Doctor of Medicine (M.D.) pursuant to Section 6529 of the Education Law.

**Summary Statement:** The petitioners listed below are all graduates of foreign medical schools who have been licensed in New York.

The applicable requirements of Section 3.57 of the Rules of the Board of Regents require 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 Doctor of Medicine (M.D.) at medical schools in the United States satisfactory to, or registered by, the Board of Regents and the Department. Secondly, petitioners must have 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 Board of Regents pursuant to their authority under Section 6506 of the Education Law.

NAME OF PETITIONER	QUALIFICATIONS
<u>22-33-60C</u> Temur Chowdhury Southampton, NY 11968	(1) Shandong University, Jinar, China, Bachelor of Medicine, 07/10/2011 (2) License # 302542, Issued 01/03/2020
<u>22-34-60C</u> Philipp Fassbender Boston, MA 02130	(1) University of Duisburg-Essen, Essen, Germany, Arztliche Prufung, 11/11/2008 (2) License # 315157, Issued 02/17/2022
<u>22-35-60C</u> Adarsh Katamreddy Bronx, NY 10461	(1) Bangalore University, Bengaluru, India, Bachelor of Medicine, Bachelor of Surgery, 04/06/2017 (2) License # 312882, Issued 09/03/2021

<u>22-36-60C</u> James Kiely Bronxville, NY 10708	(1) Trinity College, Dublin, Ireland, Bachelor of Medicine, Bachelor of Surgery & Obstetrics, 06/25/1999 (2) License # 290222, Issued 07/06/2017
<u>22-37-60C</u> Neelkumar Patel Kansas City, MO 64111	(1) Surat Municipal Institute of Medical Education and Research, Gujarat, India, Bachelor of Medicine, Bachelor of Surgery, 02/26/2015 (2) License # 309857, Issued 04/13/2021
<u>22-38-60C</u> Maryam Rehan Colts Neck, NJ 07722	(1) Allama Iqbal Medical College, Lahore, Pakistan, Bachelor of Medicine, Bachelor of Surgery, 12/20/2008 (2) License # 306439, Issued 07/23/2020
<u>22-39-60C</u> Fatima Rumesa Rego Park, NY 11374	(1) University of The Punjab, King Edward Medical College, Lahore, Pakistan, Bachelor of Medicine, Bachelor of Surgery, 06/26/2015 (2) License # 313689, Issued 11/01/2021

**RECOMMENDATION:** The Committee on the Professions recommends that the petitioners be awarded the degree Doctor of Medicine (M.D.) in accordance with provisions of Section 6529 of the Education Law