



TO: The Honorable the Members of the Board of Regents

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

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

DATE: May 28, 2020

AUTHORIZATION(S): *[Signature]* *Sharam K. Talae*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents approve the proposed amendment to Section 60.2 of the Regulations of the Commissioner of Education relating to the term limits for members of the advisory committee on long-term clinical clerkships?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the June 2020 meeting of the Board of Regents. A copy of the proposed rule is included as Attachment A. Supporting materials for the proposed rule are available upon request from the Secretary to the Board of Regents.

Procedural History

The proposed amendment was initially presented to the Professional Practice Committee for discussion at the February 2020 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on February 26, 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 recommended at this time.

Background Information

At its meeting in February 2011, the Board of Regents approved a plan for the establishment of an advisory committee on clinical clerkships in medicine. To implement that plan, subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education was adopted, as an emergency measure, by the Board of Regents at its April 2011 and June 2011 meetings. Subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education created the Advisory Committee on Long-Term Clinical Clerkships (Committee), established the composition of the Committee, set the terms of the Committee members, defined the duties of the Committee, and established the procedure for consideration of the Committee's recommendations by the Department and the Board of Regents. It was adopted as a permanent rule at the July 2011 Regents meeting. Subsequently, by emergency action in September 2013, the regulation was amended, to increase from one to two the number of Regents sitting on the Committee and authorize the Chancellor to appoint additional Committee members, upon consultation with the Board. Such amendments were permanently adopted in December 2013.

The duties of the Committee include:

- recommending standards and procedures for the approval of international medical schools to place students in long-term clinical clerkships;
- appointing appropriate site review teams in connection with applications for such approval; and
- issuing reports and recommendations on such applications.

Paragraph (2) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education specifies the composition of the Advisory Committee to include:

- two members of the Board of Regents, one of whom shall be designated by the Chancellor to serve as Co-Chair of the Committee along with the Chairperson of the State Board for Medicine;
- the Chairperson and the Executive Secretary of the State Board for Medicine;
- one representative of the Department of Health;
- two physicians experienced in the evaluation of medical education programs;
- two representatives of international medical schools approved by the Department or Board of Regents to place their students in long-term clinical clerkships in New York State;
- two representatives of medical schools registered in New York State;

- two representatives from hospitals that serve as sites for clinical clerkships in New York State; and
- such additional members as the Chancellor, upon consultation with the Board of Regents, may appoint.

The members of the Committee are appointed by the Chancellor of the Board of Regents, upon consultation with the Board.

Proposed Amendment

Currently, the members of the Committee are permitted to serve no more than two terms in succession, “except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration.” Members are permitted to again serve two terms in succession after a gap in service of at least four years.

The proposed amendment would remove such provisions prohibiting members of the Committee from serving more than two terms in succession. This revision would allow the Chancellor, upon consultation with the Board of Regents, to appoint members to the Committee for as many four-year terms as deemed appropriate to most effectively advise the Board of Regents and the Department on matters pertaining to the standards and process for approving international medical schools to place their students in long-term clinical clerkships in New York State. Removing these artificially imposed term limits will allow the Chancellor and the Board of Regents to have greater flexibility in providing the Committee with the expertise needed to address issues that arise in the Committee’s work or that are assigned to it by the Department or the Board of Regents, while still retaining the ability to appoint additional Committee members as needed.

Related Regent’s Items

February 2020: [Proposed Amendment to Section 60.2 of the Regulations of the Commissioner of Education Relating to the Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships](http://www.regents.nysed.gov/common/regents/files/220ppcd1.pdf)
(<http://www.regents.nysed.gov/common/regents/files/220ppcd1.pdf>)

Recommendation

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

VOTED: That paragraph (3) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 24, 2020.

Timetable for Implementation

If adopted at the June 2020 meeting, the proposed amendment will become effective on June 24, 2020.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 605, 6501, 6504, 6506, 6507, 6508, 6524, 6525, 6526, 6541, and 6548

1. Paragraph (3) of subdivision (f) of section 60.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(3) Terms of members. The terms of the members of the first committee appointed pursuant to subparagraphs (2)(v) through (viii) of this subdivision shall be so arranged that the terms of two members shall expire on June 30, 2013, the terms of two on June 30, 2014, and the terms of two on June 30, 2015, and the terms of two on June 30, 2016. Thereafter, all members appointed pursuant to subparagraphs (2)(v) through (viii) of this subdivision shall be appointed to serve a term of four years each, beginning with the first day of July next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created other than by the expiration of a term shall be for the unexpired term. [Members shall serve no more than two terms in succession, except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration. Members may again serve two terms in succession after a gap in service of at least four years.]