



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: Anthony Lofrumento
SUBJECT: Summary of the September 2011 Meeting
DATE: October 4, 2011
AUTHORIZATION(S):

Executive Summary

Issue for Decision

Review of the Summary of the September 2011 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of September 2011 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.

Recommendation

Approval of the Summary of the September 2011 meeting.

Timetable for Implementation

Effective October 18, 2011.

VOTED, that the Summary of the September 2011 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE SEPTEMBER 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, 2011

***Anthony Lofrumento, Secretary
Board of Regents***

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held public a session 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:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Anthony S. Bottar
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Geraldine D. Chapey and Wade S. Norwood were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 9:00 a.m.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Tuesday, September 13, 2011 at 8:15 a.m. to discuss personnel and litigation matters.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent James C. Dawson
Action: Motion carried unanimously

PRESENTATIONS

Early Learning Challenge Grant

Oral

Commissioner John King, Executive Deputy Commissioner Valerie Grey and P-12 Associate Commissioner Ken Slentz presented information on the Early Learning Challenge Grant.

Full Board adjourned at 9:30 a.m.

MEETING OF THE FULL BOARD, Tuesday, September 13

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
James C. Dawson
Anthony S. Bottar
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John King, Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Emeritus Robert M. Bennett and Regent Wade S. Norwood were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:30 a.m.

ACTION ITEMS

Charter Applications for September 2011

BR (A) 1

MOVED, that the Regents approve each application in accordance with the recommendations contained in the respective summaries.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously

Summary of the July 2011 Meeting of the Board of Regents

BR (A) 2

MOVED, that the Summary of the July 2011 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: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Cultural Education

Appointments to the Regents Advisory Council on Libraries

BR (CA) 1

MOVED, that the Regents take the following action: That John Hammond be reappointed and Steven M. Manning be appointed to the Regents Advisory Council on Libraries for five-year terms beginning October 1, 2011 and ending September 30, 2016. It is also recommended that Sharon E. Orienter be appointed to fill a partial term for a three-year period beginning October 1, 2011 and ending September 30, 2014.

Motion by: Regent Roger Tilles
Seconded by: Chancellor Emeritus Robert M. Bennett
Action: Motion carried unanimously

Higher Education

Amendment of Subpart 30-1 of the Regents Rules and sections 80-1.7 and 80-1.8 of the Regulations of the Commissioner of Education Relating to Tenure and

**Seniority Rights for Teachers Performing Instructional Support Services (ISS) in a
Board of Cooperational Educational Services (BOCES)
BR (CA) 2**

MOVED, that the Board of Regents take the following action: That subdivision (b) of section 30-1.2 of the Rules of the Board of Regents be amended; that subdivisions (c) and (d) of section 30-1.2 be renumbered to subdivisions (d) and (e), a new subdivision (c) be added, and renumbered subdivision (d) be amended and a new subdivision (e) be added to section 30-1.2 of the Rules of the Board of Regents; that subdivision (b) and (d) of section 30-1.9 of the Rules of the Board of Regents be amended; that section 80-1.7 of the Regulations of the Commissioner of Education be amended and that subdivision (a) of section 80-1.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 5, 2011.

**Conferral of Degrees: Bethel Seminary of the East
BR (CA) 3**

MOVED, that the Board of Regents confer upon the individual listed, who has completed the requirements for his registered degree program at Bethel Seminary of the East, the respective degree as listed.

**Proposed Amendment of Section 27-1.1 of the Rules of the Board of Regents
Relating to Student Eligibility for the Higher Education Opportunity Program
BR (CA) 4**

MOVED, that subdivision (b) of section 27-1.1 of the Rules of the Board of Regents be amended, as submitted, effective October 5, 2011.

**Proposed Amendment of Section 80-3.7 of the Regulations of the Commissioner
of Education Relating to the Individual Evaluation Pathway to Teacher
Certification
BR (CA) 5**

MOVED, that section 80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 5, 2011.

**Proposed Amendment of Section 87.5 of the Regulations of the Commissioner of
Education Relating to Due Process Procedures for Criminal History Record
Checks of Prospective School Employees and Applicants for Certification
BR (CA) 6**

MOVED, that the Board of Regents take the following action: that subparagraphs (vii) and (viii) of paragraph (4) of subdivision (a), paragraph (5) of subdivision (a), and subdivision (b) of Section 87.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 5, 2011; and further, that subparagraphs (vii) and (viii) of paragraph (4) of subdivision (a), paragraph (5) of subdivision (a), and

subdivision (b) of Section 87.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 22, 2011, as an emergency measure upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the June Regents meeting remains continuously in effect until the effective date of the permanent rule.

**Proposed Revisions to the New York State Teaching Standards
BR (CA) 7**

MOVED, that these provisions under Standard V of the New York State Teaching Standards be revised to replace the term “adapt” with “select”; to remove references to “modifications”; to clarify the reference to “adjusting” an assessment system; and to change the term “assessment modifications” to “testing accommodations.” Attached are the New York State Teaching Standards with the recommended revisions.

**Renewal of Permission to Operate in New York State: Carnegie Mellon University
BR (CA) 8**

MOVED, that the Board of Regents renew the authorization of Carnegie Mellon University to offer in Manhattan its M.S. in Computational Finance program for a period ending September 30, 2016.

**Amendment to Section 100.2(o) of the Commissioner’s Regulations and Addition
of a New Subpart 30-2 to the Rules of the Board of Regents, Relating to Annual
Professional Performance Reviews of Classroom Teachers and Building
Principals
BR (CA) 9**

MOVED, that the Board of Regents take the following action: that paragraph (1) of subdivision (o) be repealed and paragraph (2) of subdivision (o) be renumbered paragraph (1) of subdivision (o), subparagraph (ii) of renumbered paragraph (1) of subdivision (o) be amended, subclause (1) of clause (a) of subparagraph (iv) of renumbered paragraph (1) of subdivision (o) be amended, subclauses (v) through (vii) of renumbered paragraph (1) of subdivision (o) be renumbered subparagraphs (vi) through (viii) of renumbered paragraph (1) of subdivision (o) and that a new subparagraph (v) of renumbered paragraph (1) of subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education be added and that a new Subpart 30-2 of the Rules of the Board of Regents be added, as submitted, effective October 10, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule remains continuously in effect while litigation is pending on certain of its provisions until all appeals are final and it can be adopted as a permanent rule.

P-12 Education

Amendment of Section 156.3 of the Regulations of the Commissioner, Relating to School Bus Driver Safety Training and Reporting of School Vehicle Idling on School Grounds BR (CA) 10

MOVED, that the Regents take the following action: that subparagraph (iii) of paragraph (5) of subdivision (b) and paragraph (5) of subdivision (h) of section 156.3 of the Regulations of the Commissioner of Education be amended as submitted, effective October 5, 2011; and it is further moved that subparagraph (iii) of paragraph (5) of subdivision (b) and paragraph (5) of subdivision (h) of section 156.3 of the Regulations of the Commissioner of Education be amended as submitted, effective September 19, 2011, 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 the emergency rule adopted at the June 2011 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

Proposed Amendment of Section 136.3(e) of the Regulations of the Commissioner Relating to Vision Screenings for Hyperopia BR (CA) 11

MOVED, that the Board of Regents take the following action: that subparagraph (ii) of paragraph (1) of subdivision (e) of section 136.3 of the Regulations of the Commissioner of Education is amended, effective October 5, 2011.

Registration of Public Schools BR (CA) 12

MOVED, that the schools listed be registered.

Repeal of Section 155.6 of the Regulations of the Commissioner, Relating to School Facility Report Cards BR (CA) 13

MOVED, that the Regents take the following action: that section 155.6 of the Regulations of the Commissioner of Education be repealed, effective October 5, 2011; and it is further moved that section 155.6 of the Regulations of the Commissioner of Education be repealed, effective September 19, 2011, 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 the emergency rule adopted at the June 2011 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

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) 14**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 15**

MOVED, that the Regents approve the recommendations of the Committee on the Professions regarding licensing petitions.

**Master Plan Amendment: Briarcliffe College, Associate in Applied Science
(A.A.S.) Degree in Dental Hygiene
BR (CA) 16**

MOVED, that the Board of Regents approve the amendment to the master plan of Briarcliffe College authorizing its Patchogue Campus to offer the Associate in Applied Science degree in Dental Hygiene. This amendment would be effective until September 13, 2012, unless the program is registered by the Department prior to that date, in which case master plan amendment shall be without term.

Motion by: Regent James C. Dawson
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously, with the exceptions of: items BR (CA) 9, where the vote was 13 'yes' votes and 2 'opposed' votes (Opposed were Regents Rosa and Cashin.) Vice Chancellor Milton L. Cofield recused himself from the vote on BR (CA) 8 and Regent Roger Tilles recused himself from the vote on BR (CA) 16.

**State Education Department Fiscal Report – July/August 2011
BR (A) 3**

MOVED, that the Board of Regents accept the June 2011 State Education Department Fiscal Report as presented.

Motion by: Regent Roger Tilles

Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

**Regents Research Grant Approval
BR (A) 4**

MOVED, that the Board of Regents accept the sum of \$500,000 from the Tiger Foundation to support the work of the USNY Regents Research Fellowship Program.

Motion by: Regent James C. Dawson
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

P-12 Education

Your P-12 Education Committee held its scheduled meeting on September 12, 2011. All members were present, except for Regent Norwood who was excused.

ACTION ITEMS

Charter School Actions

Your Committee recommends that the Board of Regents approves and issues the initial charters and provisional charters for the following charter schools for a term ending on June 30th of the fifth year after the date of opening of the charter school for instruction in accordance with §2851(2)(p) of the Education Law.

- Brooklyn Urban Garden Charter School
- Global Community Charter School
- Neighborhood Charter School of Harlem
- New Dawn Charter High School
- New Visions Charter High School for Advanced Math and Science II
- New Visions Charter High School for the Humanities II
- Rochester Career Mentoring Charter School
- Young Women's College Prep Charter School of Rochester

Your Committee further recommends that the Board of Regents approves and issues the initial charter and provisional charter for the KIPP NYC Washington Heights Academy Charter School for a term ending on June 30th of the fifth year after the date of opening of the charter school for instruction in accordance with §2851(2)(p) of the Education Law. Regent Betty Rosa abstained from this vote. [P-12 (A) 1]

Your Committee recommends that the Board of Regents approves and issues the charters for the following charter schools as proposed by the Trustees of the State University of New York (SUNY) and issues provisional charters for a term as prescribed by §2851(2)(p) of the Education Law.

- Beginning with Children Charter School II
- Brooklyn Success Academy Charter School 2
- Brooklyn Success Academy Charter School 3
- Brooklyn Success Academy Charter School 4
- Central Queens Academy Charter School
- Children's Aid Society Community Charter School
- Explore Exceed Charter School
- Family Life Academy Charter School II
- Icahn Charter School 6
- Icahn Charter School 7
- Manhattan Charter School II
- Tech International Charter School

Regent Betty Rosa and Regent Lester Young abstained from the vote for the Explore Exceed Charter School. [P-12 (A) 2]

Your Committee recommends that the Board of Regents approves and issues the first renewal charter of the Achievement First Bushwick Charter School as proposed by the Board of Trustees of the State University of New York, and that its provisional charter be extended for a term up through and including July 31, 2014. [P-12 (A) 3]

Your Committee recommends that the Board of Regents approves the charter revision of the Success Academy Charter School as proposed by the Trustees of the State University of New York and the provisional charter is amended accordingly. [P-12 (A) 4] **PLEASE NOTE ERRATUM/CLARIFICATION:** The new approved school name is **Upper West Success Academy Charter School**.

Your Committee recommends that the Board of Regents approves the charter revision of the Kings Collegiate Charter School as proposed by the Trustees of the State University of New York and the provisional charter is amended accordingly. [P-12 (A) 5]

Your Committee recommends that the certificate of incorporation (also known as the provisional charter) of the East New York Preparatory Charter School (the Corporation"), located in the City New York, State of New York, which was issued by the Board of Regents on December 9, 2005, be revoked, and that the education corporation be dissolved, effective September 13, 2011, that notice to such effect be given to the board of trustees of the Corporation, that any student records be transferred to the City School District of the City of New York in accordance with the provisions of Education Law §2851(2)(t), that all other corporate books and records of the corporation be

transferred to the New York State Education Department's Office of School Innovation, and that the assets of the Corporation be distributed in accordance with the procedures set forth in Education Law Section 220. [P-12 (A) 6]

January 2012 Regents Exams

Your Committee recommends that the Board of Regents accept \$1.5 million from the Fund for Public Schools and the Mayor's Fund to Advance New York City to restore the January 2012 Regents Exams. [P-12 (A) 7]

Testing Improvement Options

Your Committee recommends that the Board of Regents direct staff to take immediate action to secure an independent review of the Department's procedures related to incident reporting and follow up of allegations of testing impropriety at schools. Your Committee also directs staff to further develop specific proposals for consideration in October including centralized scanning and scoring of multiple choice assessments and distributed scoring for open response questions. Additional actions underway include requiring grade 3-8 exams to be administered on the same day, as shown on the testing calendar released on August 26, 2011; and requiring a training certification for proctoring and scoring 3-8 assessments similar to what is required for the Regents exams. [P-12 (A) 8] **PLEASE NOTE CLARIFICATION:** The original item discussed by the Board in September stated "Cheating scandals in Atlanta, Philadelphia and other cities around the country have fostered growing concern about the integrity of standardized test administration and scoring." However, the sentence should have read "Cheating scandals and investigations in Atlanta, Washington DC, Pennsylvania, New Jersey, and other cities and states around the country have fostered growing concern about the integrity of standardized test administration and scoring."

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I 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, 2011, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Charter School Office Update – The Committee was updated on the activities of the Charter School Office and the progress being made in implementing the new approach to charter authorizing. Discussion focused on preliminary draft amendments to regulations relating to charter school lotteries; development of enrollment and retention targets; updates on the \$113 million federal CSP grant; and the proposed parameters for the RFP to establish charter school authorized by the Board of Regents. Committee members expressed concerns relating to charter school location issues and fair representation of certain student populations at charter schools. Staff will continue

to provide updates at future meetings on these and other areas relating to charter school authorizing. [P-12 (D) 1]

Mathematics Requirements for Regents Diploma with Advanced Designation – The Committee discussed a proposed technical amendment to regulations to ensure that students who complete an appropriate series of Math assessments, regardless of cohort, will be determined to have met the Mathematics Assessment requirements for a Regents Diploma with Advanced Designation. If endorsed by the Regents, these proposed regulations will be brought back for final approval in December. [P-12 (D) 2]

Skills and Achievement Commencement Credential for Students with Severe Disabilities – The Committee discussed proposed amendments to regulations to replace the current individualized education program (IEP) diploma with a Skills and Achievement Commencement Credential. If approved, the new credential would be effective in the 2013-14 school year and would only be for students with disabilities who have been instructed and assessed on the alternate performance level for the State learning standards. The Committee has requested to be kept updated on the comments received from the field on these proposed amendments. [P-12 (D) 3]

Update on Network Team Summer Institute – Staff provided an overview of the activities and outcomes of the Network Team Institute held August 1-5, 2011. Participants of the Institute were provided with training, tools, and resources including professional development seminars given by national presenters on such topics as the Common Core Standards, School-based Inquiry and Data Driven Instruction, and New Performance Evaluation for Teachers. Participants were also given the opportunity to complete online surveys, results of which were shared with Committee members at the meeting. The Committee was also provided a brief walk-through of the Department's new implementation website - engageny.org. [P-12 (D) 4]

Updates from the Office of Accountability and the Office of School Innovation – Staff provided information on the status of the 2011 School Improvement Grant Awards. Currently, there are 72 schools in New York State that have been awarded SIG funds – this number includes 25 schools that began implementation in the 2010-11 school year and are now receiving a 2011-12 continuation grant. Department staff will work closely with districts and schools to assess their progress and student academic achievement. The Committee was also updated on the School Innovation Fund grant process. These grants provide an opportunity for districts to target low-performing schools before they become PLA. Twenty-six applications were received and are currently under review. The School Turnaround Office is currently planning a statewide professional development event for PLA principals and district administrators to be held in October. Staff will inform the Regents with the details of this event as they become available.

Consent Agenda Items – Staff presented the following items scheduled for approval on the full Board consent agenda:

- Proposed Amendments to Regulations Relating to School Bus Driver Safety Training and Reporting of School Vehicle Idling on School Grounds
- Proposed Amendments to Regulations Relating to Vision Screenings for Hyperopia
- Proposed Amendments to Regulations Relating to School Facility Report Cards
- Registration of Public Schools

P-12 Education/Higher Education

The Committees heard a presentation on the teacher and school leader effectiveness initiatives that are part of the Regents Reform Agenda and which were initially framed by the Board in November, 2009. These initiatives span the continuum of an educator's career, from recruitment and preparation, through development, assessment, and retention, and are focused on addressing educator shortages in high-need schools and districts. The NYS Common Core Learning Standards, data-driven instruction, and educator standards of practice are common themes running through these initiatives. Presenters updated the Board on the development of new exams for teacher and principal certification; described the Department's strategy for engaging the field in the development and implementation of these exams; described the \$20 million RFP just issued for induction/mentoring programs; and emphasized the importance of continuing to work with the Regents Task Force on Teacher and Principal Effectiveness on implementation of the new teacher and principal evaluation system—particularly in developing the value-added/growth model with contractor American Institutes for Research.

Higher Education

Your Higher Education Committee held its scheduled meeting on September 12, 2011. All members were present.

ACTION ITEMS:

Permission to Operate: Strayer University at the Verizon Wireless Call Center in Rochester. Your Committee discussed, and voted to grant permission to Strayer University to operate in New York to offer courses in the field of business to employees of the Verizon Wireless Call Center at 133 Calkins Road in Rochester, for a term of one year commencing with the date of filing with the Commissioner of notice that instruction has commenced, upon the condition that enrollment in the courses not exceed 30 students per term, without the specific approval of the Commissioner. Permission to operate beyond one year from the date of the initial course offering will be contingent on demonstration of compliance with all Department standards, and all commitments consistent with Strayer's application, as determined by the Commissioner.

Program Design and Evaluation Process for the Graduate Level Clinically Rich Principal Preparation Pilot Program Request for Proposals (RFP). Your Committee discussed the RFP design and approved modifications to the regional funding formula. The proposed modifications will become effective immediately to ensure timely posting of the RFP.

Elmira Business Institute: Consent to Transfer of Degree Powers upon a Change of Ownership. Your Committee discussed the transfer of the degree powers of Elmira Business Institute to Swedish Institute, Inc. Your Committee recommends the transfer to Swedish Institute, Inc., Elmira Business Institute's authority to award the Associate in Occupational Studies (A.O.S.) degree to duly qualified students successfully completing registered programs.

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: 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 September 13, 2011, copies of which have been distributed to each member of the Board of Regents.

Professional Practice

Executive Session Items Approved for Action by the Board of Regents

- 6 Regents Review Committee Reports (6 Direct Referrals)
- 38 Consent Order Applications
- 11 Surrender Applications
- 1 Restoration Matter

Public Session Items Approved for Action by the Board of Regents

Amendment to Regulations Relating to Mandatory Continuing Education in Massage Therapy [PPC (A) 1] – Action on proposed regulations to implement a new law that established continuing education requirements for massage therapists. (Discussed at June 2011 PPC meeting.)

Amendment to Regulations Relating to Education of Professional Midwives and the Practice of Midwifery [PPC (A) 2] – Action on proposed regulations to implement a new law relating to the collaborative agreement for midwives and to revise the professional education requirements for midwifery. (Discussed at June 2011 PPC meeting.)

Amendment of Regulations Relating to Collaborative Drug Therapy Management and Continuing Education for Pharmacists [PPC (A) 3] – Emergency action on proposed

regulations to implement a new law relating to collaborative drug therapy management, involving pharmacists and physicians working together.

Amendment to Regulations Relating to Waivers from Corporate Practice Restrictions and Certain Not-for-Profit and Educational Corporations to Provide Services [PPC (A) 4] – Emergency action on proposed regulations to implement a 2011 law extending the time for certain entities to apply for waivers from corporate practice restrictions in order to provide social work, mental health, and psychotherapy services.

Motion for Action by Full Board

Your Professional Practice Committee recommends, and I move, that that Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 12, 2011, copies of which have been distributed to each Regent.

Committee Discussions not Requiring Board Action

Deputy Commissioner's Report/Update [Oral] – The Deputy Commissioner reported on the following issues:

- Updates on International Medical Schools Advisory Committee
- Overview of PPC Consent Agenda items scheduled for action by the Full Board:
- Board Appointments
- Licensing Petitions and Conferral of Degrees
- Approval of the amendment of the master plan of Briarcliffe College authorizing its Patchogue Campus to offer the Associate in Applied Science degree in Dental Hygiene.
- Technology Update
- Staffing/Productivity Update

Disciplinary Actions Involving the Commission of Fraud [PPC (D) 1] – Information about, and an opportunity for the Professional Practice Committee to discuss, professional misconduct cases involving the commission of fraud.

Audits/Budget and Finance

The Regents Committee on Audits/Budget and Finance met as scheduled on September 13, 2011. Vice Chair Bendit, Chancellor Tisch, Vice Chancellor Cofield, Regents Tilles, Phillips, Tallon, Young, Dawson, Cea, and Cottrell were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone. She reiterated the role of the Committee in assisting the Board of Regents in its role in the reform efforts.

Items for Discussion

August 2011 Fiscal Report

Your Committee reviewed the fiscal report. Our Chief Operating Officer briefed the Committee members on the status of Departments accounts with deficit. In addition, information was provided related to the receipt of funds to reinstate the Regents exam and the status of Department workforce.

Review of the Office of Audit Services (OAS) Activities

Department staff briefed the Committee on the accomplishments of OAS during the period from July 1, 2010 to June 30, 2011. This one year period was also the second year of the two-year audit plan.

Completed Audits

The Committee was presented with 50 audits this month. The audits included 2 audits issued by OAS and 47 audits issued by the Office of the State Comptroller (OSC) and one issued by the Office of the New York City Comptroller. Among the audits findings were weaknesses in the area of internal controls, budgeting practices, the level of fund balance, and use of reserves. OAS will continue to monitor trends requiring the attention of the Committee.

Adult Career and Continuing Education Services (ACCES)

Your ACCES Committee held its scheduled meeting on September 13, 2011. All members were present, with the exception of Chancellor Emeritus Bennett, Regent Chapey and Regent Norwood , who were excused. Additional members of the Board attending where: Chancellor Tisch, Regent Cashin, Regent Cottrell, Regents Dawson, Regent Jackson and Regent Phillips.

MATTERS NOT REQUIRING BOARD ACTION

The Committee was informed about the action being taken by Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) in collaboration with the Independent Living Center (ILC) network to increase access to independent living opportunities for individuals with disabilities in New York State. ILC staff assist people with disabilities and their families in navigating complex service systems through peer counseling; information and referral; independent living and life skills training; benefits planning and advisement; housing assistance and individual and systems advocacy. Annually, over 8000 public and private businesses statewide receive assistance in meeting the needs of customers with disabilities. Increasingly, independent living centers are diverting youth and adults with significant disabilities from nursing homes and other segregated settings and assisting with the transition to community living. ACCES-VR estimates that through these efforts independent living centers save New York an average of over \$100 million annually by facilitating access

to less costly community-based options. On the state and local level, ILCs have advanced accessible public transportation, enhanced accessible and affordable housing opportunities, the NYS Medicaid Buy-In Program, consumer-directed personal assistance services and Medicaid waiver programs, among others. In addition, ILCs have cultivated and maintained strong partnerships with SED programs to ensure equal access for individuals with disabilities including Literacy Zones and Model Transition Programs. ACCES-VR's consumers are benefiting from the work accomplished by these partnerships with ILCs. ACCES-VR is also proud of its strong working relationship with several important partners in systems change including the National Council of Independent Living and the New York Association on Independent Living, the Independent Living Network of New York, the New York State Council on Independent Living and the New York State Most Integrated Setting Coordinating Council. In total, decades of systems advocacy has resulted in a comprehensive set of legal protections and service options available to New Yorkers with disabilities.

Cultural Education

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on September 13, 2011.

In attendance were committee members: Regents Tilles, Dawson, Bendit, Rosa, Cea, Jackson, Cottrell. In addition to CE Committee Members, in attendance were: Chancellor Tisch, Regents Phillips and Cashin, Commissioner King and Executive Deputy Commissioner Grey.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles suggested that the committee begin to investigate legislation that would require library board members to receive training. He also suggested that the committee begin to investigate a meeting or summit on arts education, based on the conference held by the Long Island Arts Alliance.

Consent Agenda Item: Appointments to the Regents Advisory Council on Libraries

The Board of Regents approved the following appointments to the Regents Advisory Council on Libraries: John Hammond reappointed for a five-year term beginning October 1, 2011 and ending September 30, 2016; Steven M. Manning appointed a five-year term beginning October 1, 2011 and ending September 30, 2016; and, Sharon E. Orienter appointed to fill a partial term for a three-year period beginning October 1, 2011 and ending September 30, 2014.

Deputy Commissioner Cannell distributed information on a Department effort to assess standards for arts education.

CE (D) 1 – Resource Allocation Priorities: Collection Management, Research, Initiatives in Support of Local Institutions, History of Cultural Education in the Department

The committee briefly discussed the allocation of resources and program priorities within the Office of Cultural Education, suggesting that in the current fiscal and operational environment, priorities for OCE programs are needed. The Commissioner suggested that the committee continue to discuss priorities that address the competing obligations of stewardship, public programming and coordination and outreach to cultural institutions statewide.

MOVED, that the reports from the Regents Standing Committees be approved as submitted. **PLEASE NOTE ERRATUM/CLARIFICATION FOR P-12 (A) 4:** The new approved school name is **Upper West Success Academy Charter School.**

Motion by: Regent James C. Dawson
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

Presentation

Announcement of the Marge Tierney Scholarship Award Winner Appointments

The 2011 Marge Tierney Scholarship was awarded by Commissioner John B King Jr. to Carol Anstey.

Appointments

Appointment of Deputy Commissioner for the Office of P-12 Education BR (A) 5

MOVED, the Board of Regents approve the appointment of Kenneth Slentz to the position of Deputy Commissioner for the Office of P-12 Education effective September 14, 2011.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Anthony S. Bottar
Action: Motion carried unanimously

Appointment of Associate Commissioner for the Office of Curriculum, Instruction and Field Services BR (A) 6

MOVED, that the Board of Regents approve the appointment of Anita Murphy to the position of Associate Commissioner for the Office of Curriculum, Instruction and Field Services effective mid-October 2011.

Motion by: Regent Anthony S. Bottar
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

Presentation

Teacher of the Year Oral

Chancellor Merryl H. Tisch, Regent James C. Dawson and Maria Neira, Vice President of New York State United Teachers presented the 2012 Teacher of the Year Award to Kathleen Ferguson, Jessie T. Zoller Elementary School, Schenectady, NY.

Jeffry Peneston, Liverpool High School, Liverpool, NY provided an overview of his experiences as 2011 Teacher of the year.

Ms. Ferguson provided brief remarks to the Board upon presentation of her award.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
American Craft Council	CE	New York	Amend charter to provide for the election of the Board by the acting Board Members.
American Jewish Historical Society	CE	New York	Grant provisional charter for five years.
Antiquity Masonic Historical Society	CE	Suffolk	Extend provisional charter for five years.
Babylon Masonic Historical Society	CE	Suffolk	Extend provisional charter for five years.
Battle of Plattsburgh Association	CE	Clinton	Amend charter to: <ul style="list-style-type: none"> • change corporate address to 31 Washington Road, Plattsburgh, New York 12903; and • make absolute.
Bergen Historical Society	CE	Genesee	Extend provisional charter for five years.
Boswell Museum	CE	Otsego	Extend provisional charter for five years.
Children's Museum Of the East End	CE	Suffolk	Amend charter to: <ul style="list-style-type: none"> • change corporate address to 376 Bridgehampton-Sag Harbor Turnpike, Bridgehampton, NY New York 11932; and • extend charter for five years.
Chittenango Landing Canal Boat Museum	CE	Madison	Grant absolute charter.
Cortlandt Historical Society	CE	Westchester	Extend provisional charter for five years.
Council on the Arts of Clinton County	CE	Clinton	Grant dissolution of provisional charter.
Dahesh Museum of Art	CE	Washington	Extend provisional charter for five years.

Dyckman Farmhouse Museum Alliance	CE	New York	Extend provisional charter for five years.
Esopus Meadows Lighthouse	CE	Dutchess	Extend provisional charter for five years.
The Floral Park Masonic Historical Society	CE	Nassau	Extend provisional charter for five years.
Friends of Long Island Wireless History	CE	Suffolk	Amend charter to: <ul style="list-style-type: none"> • change the corporate name to “Long Island Wireless History Society;” • to restate their corporate purposes; and • extend provisional charter for five year.
The George and Rebecca Barnes Foundation	CE	Onondaga	Extend provisional charter for five years.
Goudreau Museum of Mathematics in Art	CE	Nassau	Dissolve provisional charter. Approval of distribution of assets to Merricks Union Free School District.
The Gravesend Historical Society	CE	Kings	Extend provisional charter for five years.
Historic Eastfield Foundation	CE	Rensselaer	Extend provisional charter for five years.
Historic Saranac Lake	CE	Franklin	Amend charter to: <ul style="list-style-type: none"> • change the corporate address to 89 Church Street, Suite 2, Saranac lake, New York 12983; • amend, replace and restate the certificate of incorporation as a charter; and • extend provisional charter for five years.
Jefferson Historical Society	CE	Schoharie	Grant provisional charter for five years.
Lake Ontario Shipwreck Preservation Society	CE	Niagara	Extend provisional charter for five years.
Mastic Peninsula Historical Society	CE	Suffolk	Extend provisional charter for five years.
Meredith Historical Society	CE	Delaware	Grant absolute charter.

Mount Kisco Historical Society	CE	Westchester	Extend provisional charter for five years.
Newspaper Museum	CE	Suffolk	Grant provisional charter for five years.
1941 Historical Aircraft Group Museum	CE	Livingston	Extend provisional charter for five years.
Orange County Firefighters Museum	CE	Orange	Grant absolute charter.
Rocky Point Historical Society	CE	Nassau	Extend provisional charter for five years.
Sanborn Area Historical Society	CE	Niagara	Extend provisional charter for five years.
The Town of Moriah Historical Society	CE	Essex	Grant absolute charter.
Town of Perth Historical Society	CE	Fulton	Extend provisional charter for five years.
Town of Plymouth Historical Society	CE	Chenango	Extend provisional charter for five years.
Town of Windham Historical Society	CE	Rensselaer	Extend provisional charter for five years.
Tusten Historical Society	CE	Sullivan	Grant absolute charter.
Westmoreland Historical Society	CE	Oneida	Extend provisional charter for five years.
Wilmington Historical Society	CE	Essex	Grant absolute charter.
Yates County Genealogical and Historical Society	CE	Yates	Grant absolute charter in the first instance.
Christ the King Preparatory Academy	P-12	Niagara	Amend charter to change the corporate address to 3571 Niagara Falls Boulevard, Suite 9, North Tonawanda, New York 14120.
The Co-op School	P-12	Kings	Grant provisional charter for three years.
Solomon Schechter Day School of Suffolk County	P-12	Suffolk	Dissolve absolute charter and approve filing of student records with Solomon Schechter Day School of Nassau County.

Waldorf School of Saratoga Springs	P-12	Saratoga	Amend charter to: <ul style="list-style-type: none"> • add authority to operate an early childhood program for two and three year olds; • add prekindergarten and kindergarten location at 45 Kaydeross West, Saratoga Springs, New York 12866; and • make absolute.
Webster Montessori School	P-12	Monroe	Amend charter to: <ul style="list-style-type: none"> • change the corporate address to 1310 Five Mile Line Road, Webster, New York 14580; • authorize the corporation to provide day care; • make absolute the authority for toddler program and grades one through three; and • extend provisional authority for grades four through six for five years.
Psychoanalytic Psychotherapy Study Center	OP	Richmond	Amend charter to: <ul style="list-style-type: none"> • add authority to provide a license-qualifying program in psychoanalysis, subject to Department approval, and enable persons enrolled in program to provide psychoanalysis/psychotherapy to public to extent such services are part of the program; • add authority to provide instruction/experience in psychoanalysis leading to a certificate of completion to persons licensed or authorized to provide psychotherapy services, and enable persons enrolled in program to provide psychotherapy services to extent such services are part of the program and are authorized pursuant to Ed L 6503-a;

			<ul style="list-style-type: none"> • add authority to teach psychoanalysis/psychotherapy to certain licensed professionals or those authorized to practice psychoanalysis, and certain unlicensed persons, and enable licensed professionals to provide professional services pursuant to Ed L 6503-a, and enable licensed or unlicensed persons enrolled in a license-qualifying program in psychoanalysis, to provide such services solely as part of their instruction; • add authority to provide practicing psychotherapists engaged in writing and research with consultation, research and other resources, provided such services do not result in unlawful practice of a licensed profession <p>and extend provisional charter for five years.</p>
Suffolk County Academy of Psychology	OP	Suffolk	Extend provisional charter for five years.

Appendix II

REGENTS ACTIONS IN 55 PROFESSIONAL DISCIPLINE CASES AND 1 RESTORATION PETITION

September 12-13, 2011

The Board of Regents announced disciplinary actions resulting in the surrender of 11 licenses as well as 44 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 1 restoration petition.

I. SURRENDERS

Dentistry

Joel Phillip Kurtz; Dentist; Bethel, CT 06801; Lic. No. 030933; Cal. No. 25753; **Application to surrender license granted. Summary:** Licensee did not contest the charge of inappropriately touching a patient.

Engineering and Land Surveying

Faustino Prado; Professional Engineer; Tampa, FL 33618; Lic. No. 049342; Cal. No. 25701; **Application to surrender license granted.**

Nursing

Deborah Ann Geraci-Morgano; Licensed Practical Nurse; Wappingers Falls, NY 12590-6013; Lic. No. 253352; Cal. No. 25634; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of 2 misdemeanors for Driving While Intoxicated.

Pamela Ann Reese a/k/a Pamela Pierce; Licensed Practical Nurse; Hogansburg, NY 13655; Lic. No. 250929; Cal. No. 25732; **Application to surrender license granted. Summary:** Licensee admitted to charges of having been convicted of Robbery in the 3rd Degree, Driving While Intoxicated as a felony, Welfare Fraud in the 4th Degree, and Aggravated Unlicensed Operation.

Sari Eileen Yates; Registered Professional Nurse; East Windsor, NJ 08520; Lic. No. 417866; Cal. No. 25779; **Application to surrender license granted. Summary:** Licensee did not contest the charge of having been found guilty of improper professional practice or professional misconduct in New Jersey.

Terri A. Brown; Licensed Practical Nurse; Buffalo, NY 14211; Lic. No. 266321; Cal. No. 25788; **Application to surrender license granted. Summary:** Licensee

admitted to charges of having been convicted of 3 counts of Falsifying Business records in the 1st Degree.

Jaclyn Marie Torrey; Licensed Practical Nurse; East Yaphank, NY 11967-1505; Lic. No. 261929; **Cal. No. 25800; Application to surrender license granted. Summary:** Licensee admitted to the allegation that, on or about January 8, 2011, while employed as a licensed practical nurse at Huntington Hills Center for Health & Rehabilitation, Melville, New York, she stole the controlled substance Dilaudid from said facility.

Stephenie H. Smith; Registered Professional Nurse; Colchester, VT 05446; Lic. No. 519264; Cal. No. 25823; **Application to surrender license granted. Summary:** Licensee did not contest the charge of having been found guilty of improper professional practice or professional misconduct in Vermont.

Mary E. Papaleo; Licensed Practical Nurse; Wolcott, NY 14590; Lic. No. 243534; Cal. No. 25834; **Application to surrender license granted. Summary:** Licensee admitted to the charge of stealing a patient's medications for her own personal use.

Pharmacy

Mario J. Caruso, Jr.; Pharmacist; Carmel, NY 10512; Lic. No. 031536; Cal. No. 25859; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Sexual Abuse in the 1st Degree, a felony.

Scott Burko; Pharmacist; West Harrison, NY 10604; Lic. No. 036863; Cal. No. 25860; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Conspiracy (1 count) and Dispensing Without Valid Prescriptions of Prescription Drugs Held for Sale After Shipment in Interstate Commerce (2 counts), all felonies.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Chiropractic

Thomas Joseph Schuette; Hauppauge, NY 11788; Lic. No. 008267; Cal. No. 25356; **Application for consent order granted; Penalty agreed upon:** 18 month actual suspension, 6 month stayed suspension, 2 years probation to commence if and when return to practice.

Dominick Fiore; Spring Valley, NY 10977; Lic. No. 005174; Cal. No. 25567; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Dentistry

Judith Mori; Dentist; Rhinebeck, NY 12572; Lic. No. 039611; Cal. No. 25395; **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successfully complete course of retraining in said certain area, 2 years probation, \$10,000 fine.

Eufrocina Nicolas Caluag; Dentist; Jamaica, NY 11432; Lic. No. 046767; Cal. No. 25590; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

Robert Pierre Louis; Dentist; Baldwin, NY 11510; Lic. No. 043350; Cal. No. 25694; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$1,000 fine.

Sean Emerson Barnwell; Dentist; Columbia, SC 29223-3007; Lic. No. 052536; Cal. No. 25699; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$500 fine payable within 3 months.

Stanley Cohen; Dentist; West Palm Beach, FL 33412; Lic. No. 023939; Cal. No. 25702; **Application for consent order granted; Penalty agreed upon:** 1 year actual suspension, 2 years probation to commence upon return to practice in New York State.

Engineering and Land Surveying

James Allen Koppenhaver; Professional Engineer; Wyomissing, PA 19610; Lic. No. 077142; Cal. No. 25638; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$5,000 fine.

Laurence Michael Haynes; Land Surveyor; Syosset, NY 11791; Lic. No. 050125; Cal. No. 25715; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$2,500 fine.

Massage Therapy

Stephen M. Deshaw; Ballston Spa, NY 12020; Lic. No. 012208; Cal. No. 25678; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

Nursing

Grace Oyinlola Ayorinde; Licensed Practical Nurse; Brooklyn, NY 11236; Lic. No. 220159; Cal. No. 24930; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Alvin Rutherford; Registered Professional Nurse; Brooklyn, NY 11234; Lic. No. 581100; Cal. No. 25209; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence upon return to practice in New York State.

Blessing Arunsi Okuji; Registered Professional Nurse; Brooklyn, NY 11203-4321; Lic. No. 600624; Cal. No. 25212; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence upon return to practice.

David Opong Aboagye; Licensed Practical Nurse; Deer Park, NY 11729; Lic. No. 285151; Cal. No. 25288; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension until successful participation and completion of course of therapy and treatment, if needed, and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice, \$500 fine payable within 60 days.

Jillian Rose Kelly; Licensed Practical Nurse; Horseheads, NY 14845; Lic. No. 285607; Cal. No. 25304; **Found guilty of professional misconduct; Penalty:** \$500 fine, 1 year suspension, execution of last 11 months of suspension stayed; probation 1 year.

Susan F. Knott; Registered Professional Nurse; Latham, NY 12110-4619; Lic. No. 346675; Cal. No. 25334; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, 1 year probation, \$500 fine.

Tanika H. Walker; Licensed Practical Nurse; Rochester, NY 14611-4023; Lic. No. 287722; Cal. No. 25352; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 2 years and until free from substance abuse and fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Maryjane Torres; Licensed Practical Nurse; Selkirk, NY 12158; Lic. No. 257881; Cal. No. 25428; **Application for consent order granted; Penalty agreed upon:** 6 month actual suspension, 18 month stayed suspension, thereafter 2 years probation to commence upon return to practice.

Tyrone Reid; Licensed Practical Nurse; Rochester, NY 14604; Lic. No. 269486; Cal. No. 25475; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 5 months, indefinite suspension until alcohol abuse-free and until fit to practice, subsequent to termination of suspension, probation 2 years to commence upon actual return to practice.

Angela C. Burek; Licensed Practical Nurse; Attica, NY 14011; Lic. No. 267305; Cal. No. 25481; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 6 months, indefinite suspension for a minimum period of 9 months and until

substance abuse-free and until fit to practice, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Sandra Joy Bell-Bernard; Licensed Practical Nurse; Hempstead, NY 11550; Lic. No. 233610; Cal. No. 25512; **Found guilty of professional misconduct; Penalty:** 2 month suspension.

Nicole A. Campo; Licensed Practical Nurse; Holtsville, NY 11742; Lic. No. 270888; Cal. No. 25518; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$500 fine.

Melodee Armstrong; Licensed Practical Nurse, Registered Professional Nurse; Bronx, NY 10456; Lic. Nos. 243871, 496169; Cal. Nos. 25523, 25524; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, 1 year probation.

Lisa E. Comfort; Licensed Practical Nurse; Rochester, NY 14621; Lic. No. 226487; Cal. No. 25527; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$750 fine.

Leonard Finkelstein a/k/a Leonid Finkelshteyn; Licensed Practical Nurse, Registered Professional Nurse; Staten Island, NY 10312; Lic. Nos. 246203, 487886; Cal. Nos. 25552, 25551; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Lorraine Parente; Registered Professional Nurse; Whitestone, NY 11357; Lic. No. 485510; Cal. No. 25614; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation.

Jennifer S. Cenchitz; Licensed Practical Nurse; Galway, NY 12074; Lic. No. 261086; Cal. No. 25663; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$250 fine.

Stacy L. Zambrano; Registered Professional Nurse; East Yaphank, NY 11967-1505; Lic. No. 485350; Cal. No. 25673; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation.

Christine Pelio Olsson; Licensed Practical Nurse; Lake Grove, NY 11755; Lic. No. 205677; Cal. No. 25677; **Application for consent order granted; Penalty agreed upon:** 6 month actual suspension, 18 month stayed suspension, 2 years probation.

Jennifer L. Lazar; Registered Professional Nurse; Geneseo, NY 14454; Lic. No. 605337; Cal. No. 25686; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

Kimberly Y. Cole; Licensed Practical Nurse; Rochester, NY 14692; Lic. No. 294420; Cal. No. 25688; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

Christina M. Gufler; Registered Professional Nurse; Roswell, GA 30075; Lic. No. 467285; Cal. No. 25712; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 1 year and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice in New York State.

Ericka L. Brown; Registered Professional Nurse; Gloversville, NY 12078-3202; Lic. No. 623329; Cal. No. 25722; **Application for consent order granted; Penalty agreed upon:** 5 month actual suspension, 19 month stayed suspension, 2 years probation to commence upon return to practice, \$500 fine.

Tracy Ann Niemi; Licensed Practical Nurse; Batavia, NY 14020; Lic. No. 297479; Cal. No. 25723; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Sylvester Oswald Foote; Registered Professional Nurse; Glen Cove, NY 11542-5807; Lic. No. 511169; Cal. No. 25830; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$1,500 fine.

Occupational Therapy

Francis Cavaliere; Occupational Therapist; Plainview, NY 11803; Lic. No. 009869; Cal. No. 25654; **Found guilty of professional misconduct; Penalty:** Indefinite suspension until alcohol abuse-free and until fit to practice, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Pharmacy

Irene Maninakis; Pharmacist; Beechurst, NY 11357-2949; Lic. No. 051831; Cal. No. 24866; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, 1 year probation, \$1,000 fine.

Ellen Scharaga; Pharmacist; Melville, NY 11747; Lic. No. 035222; Cal. No. 25623; **Found guilty of professional misconduct; Penalty:** 3 month suspension.

Matthew M. Peunic; Pharmacist; Niagara Falls, NY 14304; Lic. No. 030568; Cal. No. 25676; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$750 fine.

Ivan Gene-Kee Lau; Pharmacist; Phoenix, AZ 85023; Lic. No. 045295; Cal. No. 25685; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation to commence upon return to practice in New York State, \$500 fine.

Public Accountancy

Andrew John Hugh MacIntyre Sims; Certified Public Accountant; Atlanta, GA 30303; Lic. No. 091385; Cal. No. 25534; **Application for consent order granted; Penalty agreed upon:** 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$10,000 fine.

Social Work

Michael J. Chiappone; Licensed Master Social Worker; Port Jefferson, NY 11777; Lic. No. 069130; Cal. No. 25765; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$1,000 fine.

III. RESTORATION

The Board of Regents voted on September 13, 2011 to deny the petition for restoration of the registered professional nurse license of Lulex Licerio. Ms. Licerio's license was originally revoked September 15, 2000.