



New York State Assembly

Sheldon Silver
Speaker



2013

ANNUAL REPORT

Committee on
Higher Education

Deborah J. Glick
Chair





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Assemblymember 66th District
New York County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Higher Education
COMMITTEES
Environmental Conservation
Governmental Operations
Rules
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December 15, 2013

The Honorable Sheldon Silver, Speaker
New York State Assembly
State Capitol, Room 349
Albany, New York 12248

Dear Speaker Silver:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2013 Annual Report which highlights our activities over the past year.

The 2013 Legislative Session was a productive one. The 2013-14 Legislative budget for higher education provided \$68.4 million in additional funding above that proposed by the Executive. The Executive proposal maintained State support for community colleges at prior-year levels of \$2,272 for each full-time equivalent (FTE) student. The Legislature added \$30.8 million to the Executive's proposal, bringing funding levels from \$2,272 to \$2,422 per FTE student at SUNY and CUNY community colleges. The Legislature modified the Executive's proposal to establish the Next Generation New York Job Linkage Program and the Next Generation New York Job Linkage Incentive Fund, which provides \$3 million in incentive funding for SUNY community colleges and \$2 million for CUNY community colleges. The Legislature also mandated that SUNY create the Graduation, Achievement and Placement (GAP) remedial program at its community colleges and provided \$1.7 million to fund the GAP Program. The Legislature successfully restored \$27.8 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn providing a total of \$87.8 million.

The 2013-14 Executive budget proposal maintained funding for opportunity programs like the Education Opportunity Program (EOP), Higher Education Opportunity Program (HEOP), the Science and Technology Entry Program (STEP), and the Collegiate Science and Technology Entry Program (CSTEP). Following the enacted 2013-14 budget, \$632,400 in additional funds was provided to EOP; \$551,304 to the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program; \$26,500 to College Discovery; \$728,040 to HEOP;

\$324,030 to STEP; \$245,520 to CSTEP; and \$376,260 to the Liberty Partnership Program. The Legislature accepted the Executive's proposal to maintain the Teacher Opportunity Corps funding at \$450,000. The Legislature restored funding for SUNY and CUNY child care centers providing \$1.7 million to SUNY child-care centers, a \$653,000 restoration, and \$1.4 million to CUNY child-care centers, a \$544,000 restoration. The Legislature maintained \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program as well as allocated an additional \$940,160 for ATTAIN Labs. Finally, the Legislature accepted the Executive proposal to establish a \$55 million NY-CUNY 2020 capital challenge grant program, available to all CUNY colleges, universities, and community colleges. A \$55 million third round of the NY-SUNY 2020 challenge grant program was also created and is available to all SUNY (non-university center) state operated colleges, community colleges or regional consortiums.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2013 Legislative session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Legislature passed legislation that was enacted into law: requiring all individuals who recruit students to attend a licensed, non-degree granting proprietary school and are compensated with gifts and other non-monetary consideration to obtain certification from SED; requiring colleges to provide written notification to students regarding the fire safety system in college-owned or operated housing; providing for the licensure of perfusionists; establishing the certification of clinical nurse specialists; requiring continuing education for licensed master social workers and licensed clinical social workers; providing for the licensure of behavior analysts and certified behavior analyst assistants; allowing pharmacists to administer the meningitis vaccine; and authorizing dental hygienists to provide certain dental services, pursuant to a collaborative agreement, in certain facilities. The Assembly also passed the New York State DREAM Act, which would provide state-aided programs, scholarships, or other financial assistance to undocumented students who meet certain requirements. The Committee will continue to vigorously advocate for this legislation.

As you can see, much has been accomplished this year, but much still remains to be done. Thank you for your leadership and steadfast support of our State's higher education community. I am proud of my sixth year as Chair of the Higher Education Committee and thank you for the opportunity to continue working with you and my colleagues toward our shared goal of ensuring that our systems of public and private higher education remain the best in the nation.

Sincerely,



Deborah J. Glick

Chair

Higher Education Committee

2013 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON HIGHER EDUCATION

Deborah J. Glick, Chair

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I. COMMITTEE JURISDICTION

The Committee on Higher Education is responsible for the initiation and review of legislation relevant to higher education and the professions in New York State. It is primarily concerned with policy initiatives affecting the State University of New York (SUNY), the City University of New York (CUNY), the independent colleges and universities of New York, proprietary vocational schools, student financial aid, and the licensed professions. However, because of the complex and comprehensive nature of New York's system of higher education, the Committee has also been involved in shaping legislation in such diverse public policy fields as health care, economic and workforce development, technology, capital financing, and elementary and secondary education.

The New York State system of higher education has been heralded for decades for its quality and comprehensive service to the public with a full range of academic, professional, and vocational programs. The three components of this system include the State University of New York (SUNY), the City University of New York (CUNY), and the numerous independent colleges and universities, proprietary colleges and schools located within New York State.

In addition to providing support to the state-operated campuses of SUNY and the senior college programs of CUNY, New York State contributes financially to community colleges and provides direct aid to independent colleges and universities. The State also demonstrates its commitment to higher education through funding one of the country's largest state-supported Tuition Assistance Programs (TAP), a need-based grant program that helps eligible New York State residents pay tuition at approved higher education schools in the State (both public and private institutions).

The Committee on Higher Education also monitors the ongoing activities of the 50 professions, which the State Education Department (SED) is charged with licensing and regulating. Through careful consideration of legislation affecting the professions and through the monitoring of the professional discipline functions of the State Education and Health Departments, the Committee endeavors to protect the health, safety, and welfare of the public and to ensure the maintenance of high standards and competence within the professional realm.

This report summarizes the activities and achievements of the Assembly Committee on Higher Education in each of its major areas of responsibility during the 2013 Legislative Session.

II. HIGHER EDUCATION

A. Budget Highlights

The 2013-14 Legislative budget for higher education provided \$68.4 million in additional funding for SUNY and CUNY above the Executive's proposal. This increase includes a \$27.8 million restoration to the three SUNY Health Science Centers, a \$30.8 million increase in SUNY and CUNY community college base aid, and a 3% across the board increase for the access/opportunity programs.

1. *Community Colleges*

This year, the Executive proposal maintained State support for community colleges at prior-year levels of \$2,272 for each full-time equivalent (FTE) student and proposed the creation of the Next Generation New York Job Linkage Program. This program would have linked base aid funding to new requirements for community college workforce and vocational programs, which would provide competitive grants to community colleges based on graduation and workforce outcomes. Base aid is the State's responsibility for its share of community college budgeted operating costs. The State, the sponsoring locality, and the students share in the operational costs of community colleges and therefore the level of State support that community colleges receive directly affects tuition rates and local contributions. Statutorily the State is obligated to pay one-third of a community college's operating costs and up to forty percent of these costs for full opportunity schools. Recognizing the importance of preserving the State's support of community colleges as much as possible, the Legislature proposed increasing academic year funding of \$21.5 million for SUNY and \$9.3 million for CUNY community college base aid above the Executive proposal. The Executive accepted the Legislature's increase in funding of the State's share of community college financing from \$2,272 per FTE student to \$2,422.

The Legislature modified the Executive proposal to establish the Next Generation New York Job Linkage Program by requiring community colleges to produce a report on how they prepare community college students who are enrolled in certificate or workforce programs for current and future job opportunities. The modified language also refined the criteria that will be used to determine eligibility for incentive funding for the Next Generation New York Job Linkage Program Incentive Fund. An appropriation of \$3 million in incentive funding will be available for SUNY community colleges and \$2 million will be available for CUNY community colleges.

The Legislature further required SUNY and CUNY to create a standard certificate of residence form; establish a uniform methodology for calculating community college chargebacks; create an on-line chargeback training program for

counties; and assist in the development and implementation of an online or electronic chargeback system for counties.

The Legislature also mandated that SUNY create the Graduation, Achievement and Placement (GAP) remedial program at its community colleges by July 1, 2014. This program will establish a comprehensive remedial education program for such community colleges. The program must be fully implemented by July 1, 2018. The Legislature provided \$1.7 million to fund the GAP program.

2. SUNY State Operated Colleges and CUNY Senior Colleges

The Legislature accepted the Executive's proposal to maintain operating aid for SUNY and CUNY. The Legislature restored funding for SUNY and CUNY child care centers, providing \$1.7 million to SUNY child-care centers, a \$653,000 restoration, and \$1.4 million to CUNY child-care centers, a \$544,000 restoration. The Legislature maintained \$1 million in support of CUNY's Linking Employment, Academics, and Disability Services (LEADS) program. CUNY's LEADS program offers individualized career guidance and support to students with disabilities enrolled in CUNY schools. The program is free for eligible students and provides them with academic advisement, internship and job seeking assistance, free textbooks, and career counseling. The Legislature accepted the Executive's proposal to establish the \$55 million NY CUNY 2020 capital challenge grant program. All CUNY colleges, universities, and community colleges are eligible to apply. The NY CUNY 2020 plans must be developed in consultation with the regional economic development councils and must be approved by the Governor and the CUNY Chancellor. The Legislature also accepted the Executive's proposal to establish the third round of SUNY 2020 challenge grants. All SUNY colleges, universities, and community colleges, except the university centers, are eligible to apply. The NY SUNY 2020 plans must be developed in consultation with the regional economic development councils and must be approved by the Governor and the SUNY Chancellor. An appropriation of \$55 million was provided for the NY SUNY 2020 capital challenge grant program.

In addition, the Legislature accepted the Executive proposal to require SUNY and CUNY to increase admission requirements for teacher preparation programs.

3. SUNY Health Science Centers

The Legislature successfully restored \$27.8 million in support to provide \$87.8 million to the SUNY Health Science Centers at Stony Brook, Syracuse, and Brooklyn. The \$27.8 million in funding will be divided equally among the three SUNY Health Science Centers.

4. Independent Colleges and Universities

This year, the Legislature increased funding for the Higher Education Opportunity Program (HEOP) by \$728,040, providing \$25 million in order to keep its commitment to help disadvantaged students gain access to private colleges. The Legislature also accepted the Executive's proposal to maintain funding for Bundy Aid at the prior year level of \$35.1 million. Bundy Aid, formally known as Unrestricted Aid to Independent Colleges and Universities, provides direct support to higher education institutions based on the number and type of degrees conferred by the college or university.

In addition, the Legislature extended the Higher Education Capital Matching Grants Program for Independent Colleges to March 31, 2014 and authorizes any independent college to apply for any unused funds on a competitive basis. The program awards private colleges funding based on enrollment and relative student financial need as measured by total awards provided through the Tuition Assistance Program (TAP), and requires a three-to-one (non-State to State) match by institutions. Grants may be used for the design, construction, or acquisition of new facilities, rehabilitation and repair of existing facilities, or for any projects for targeted priorities including economic development/high technology (including wet labs), critical academic facilities, and urban renewal/historic preservation. These grants are awarded by the Higher Education Capital Matching Grant Board.

5. Financial Aid

Tuition Assistance Program

New York State is fortunate to have one of the most comprehensive systems of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program that helps eligible New York residents pay tuition at approved schools in the State. Award amounts are determined by net taxable income (up to \$80,000) and financial status (independent or dependent). Depending on income, TAP awards can range from \$500 to \$5,000 with low-income students receiving larger awards. The TAP program helps keep college accessible and affordable for students who would otherwise not be able to attend. The Legislature accepted the Executive's proposal of a \$17.2 million increase in the TAP Program to cover the increase in tuition costs at SUNY and CUNY.

Access Programs

Access to higher education has been a long-standing concern of this Committee. Over the years, the Legislature has created programs which provide special assistance

to educationally and economically disadvantaged students, underrepresented groups, and “at-risk” youth (students who require additional support in order to achieve academic success). The Assembly has been committed to ensuring that all students have access to higher education and can enhance their academic success through the support of access programs.

Through counseling, remedial coursework, financial assistance, drop-out prevention, and skills training, these programs are dedicated not only to encouraging enrollment in college, but also helping to ensure success in the postsecondary academic environment. New York’s Access Programs include:

*The Higher Education Opportunity Program (HEOP) provides critical access programs for educationally and economically disadvantaged students who attend independent institutions of higher education. HEOP programs serve approximately 4,600 students through 56 programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling. HEOP students, who do not meet the traditional academic criteria when they are admitted to college, typically earn their degrees at rates that equal or exceed other students. With mentoring and support, 59% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature increased funding for HEOP by \$728,040 over the Executive’s proposal, providing \$25 million in funding.

*The Education Opportunity Program (EOP) provides academic support and financial aid to students who attend public institutions of higher education and show promise for mastering college-level work, but who may otherwise not be admitted. In 2012, EOP supported 9,140 students through programs including special tutoring, and academic, career, and personal counseling. EOP services are available at most SUNY schools, at all CUNY senior colleges through the Percy Ellis Sutton Search for Education, Elevation, and Knowledge (SEEK) program, and at all CUNY community colleges through the College Discovery program. The Legislature increased funding for EOP by \$632,430, providing \$21.7 million in funding; increased funding for SEEK by \$551,340, providing \$18.9 million in funding; and increased funding for College Discovery by \$26,500, providing \$909,890 in funding.

*The Liberty Partnerships Program (LPP) serves approximately 11,386 middle, junior, and senior high school students who are at risk of dropping out. LPP also assists students in completing high school, preparing for and entering college, and obtaining meaningful employment. LPP has a retention rate of 99% and a graduation rate of 92%. The Legislature increased funding for LPP by \$376,260, providing \$12.9 million in funding.

*The Teacher Opportunity Corps (TOC) has the goal of attracting more African-Americans, Hispanics, and Native Americans to the teaching profession and to prepare

these individuals to work effectively with students who are at risk of academic failure and dropping out of school. TOC is also considered to be a model of excellence for teacher education programs. The Legislature accepted the Executive's proposal to maintain TOC funding at \$450,000.

*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) programs were created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students enter collegiate study and careers in scientific, technical, and health-related fields. The Legislature increased funding for STEP by \$324,030, providing \$11.1 million in funding, and increased funding for CSTEP by \$245,520, providing \$8.4 million in funding.

*The State provides small awards for Native Americans pursuing post-secondary study in New York. This access program offers financial aid to eligible Native Americans and has been critical in addressing the under representation of this population in New York State's higher education system. The Legislature accepted the Executive proposal to maintain funding for post-secondary aid to Native Americans at \$598,000.

6. Licensed Professions

This year's budget provided for amendments relating to certain licensed professionals. The Legislature accepted the Executive proposal to authorize dental hygienists to sign dental health certificates that are required for public school students. The Legislature accepted the Executive proposal to increase the number of physician assistants that physicians may supervise from two to four in private practice and from four to six for physicians employed or rendering services to the Department of Corrections and Community Supervision. The Legislature modified the Executive proposal to permanently exempt certain state agencies from employing licensed social workers and mental health counselors by extending the exemption for three years until July 1, 2016; adding the Office of Temporary and Disability Assistance to the list of exempt agencies; requiring exempted agencies to report on activities performed by non-licensees; and clarifying certain activities that are not within the scope of practice.

B. Legislative Highlights

1. *Community Colleges*

New York State has 37 public community colleges: 30 within the State University system and seven within the City University system. With an enrollment of approximately 340,000 students, community colleges provide a primary source of access to higher education opportunities. The community colleges of SUNY and CUNY are referred to as “full opportunity” institutions, accepting all recent high school graduates and returning residents from the colleges’ sponsorship areas.

Community colleges are unique in that they are financed cooperatively by three partners: the State, a local sponsor, and the students. Community colleges are primarily governed by the local sponsor, assuring that these institutions have greater flexibility to respond to the local educational needs of their unique student population. Many community college students are non-traditional students who return to college later in life, attend part-time and/or combine work and family responsibilities with study.

2. *City University of New York*

Founded as the Free Academy in 1847, the City University of New York (CUNY) has grown into the largest urban university in the nation. CUNY is also the third largest university in the country and comprises of 23 campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes 11 senior colleges, a two-year preparatory medical program, an honors college, a journalism school, a school of professional studies, a law school, a graduate center, and seven community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 269,114 students annually: 172,614 at the senior colleges and 96,500 at the community colleges.

3. *State University of New York*

The State University of New York (SUNY) is the largest public university system in the nation, embracing 64 distinct individual campuses located in urban, suburban, and rural communities across New York State. These 64 campuses offer a full range of academic, professional, and vocational programs through their university centers, comprehensive colleges, colleges of technology, and community colleges. SUNY enrolls approximately 462,698 students in over 7,000 programs of study.

4. *Independent Colleges and Universities*

New York State is fortunate to have the most diversified and largest independent sector of higher education in the nation. According to the Commission on Independent Colleges and Universities (CICU), in 2011, nineteen percent of the students enrolled in

the independent sector in New York State were minorities. The independent colleges and universities of the State enroll nearly 486,040 students. New York not only boasts the nation's largest private university, New York University, it also prides itself on numerous outstanding small colleges as well. Independent campuses throughout New York State have a collective annual economic impact of \$62.3 billion, employ 373,800 New Yorkers, and have a \$23.1 billion payroll.

Repealing Monetary Exemption for Current and Former Students of Licensed Private Career Schools in Relation to Awards for Enrolling Students

A.1050 Glick, Chapter 19 of the Laws of 2013. This law repeals a provision that exempts current and former students of a licensed private career school from being required to be certified as a private career school agent if the gift the current or former student receives for enrolling a new student is valued at under \$75. Repealing this exemption will require these current and former students to become certified as a private career school agent, which in turn requires them to be a salaried employee of the school and provides the State Education Department with the ability to review the moral character of the individual, ensure the use of ethical and fair practice in the presentation of the school's offerings, and evaluate if an individual has violated certain provisions of the education law.

Enacting the New York State Dream Act

A.2597 Moya, Passed Assembly. This bill would eliminate the requirement that students be U.S. citizens or permanent lawful residents to receive general awards and scholarships, which would therefore allow certain students, such as undocumented students, to receive general awards and scholarships if they meet the following criteria:

- Attended an approved NYS high school for two or more years, graduated from an approved NYS high school and applied for attendance to a NYS college or university within 5 years of receiving their NYS high school diploma; or
- Attended an approved NYS program for a state high school equivalency diploma, received their state high school equivalency diploma and applied for attendance to a NYS college or university within 5 years of receiving their state high school equivalency diploma; or
- Are otherwise eligible for in-state tuition at the State University of New York (SUNY), the City University of New York (CUNY) or community colleges as prescribed by their admission criteria.

Undocumented students would be required to file an affidavit with their college/university stating that they have filed an application to legalize their immigration status, or will file an application as soon as they are eligible to do so. This

bill would authorize SUNY, CUNY, and community college trustees to provide state-aided programs, scholarships, or other financial assistance to students who meet the above criteria, as well as allow eligible students to receive state funds in educational opportunity programs who meet the above criteria.

Additionally, this bill would allow undocumented individuals who have a taxpayer identification number to open a New York 529 family tuition savings account. The bill would direct the president of the Higher Education Services Corporation (HESC), in consultation with the commissioner of the State Education Department (SED), to establish an application form and procedures for eligible students to apply for applicable awards without having to submit any information to any other state or federal agency, and under the presumption of confidentiality.

This bill would further create the New York Dream Fund Commission and the New York Dream Fund. The Commission would comprise of 12 members that reflect the racial, ethnic, gender language and geographic diversity of NYS; include college and university administrators and faculty, and other individuals committed to advancing the educational opportunities of the children of immigrants. The 12 members would be appointed as follows:

- 4 members appointed by the Governor;
- 3 members appointed by the Temporary President of the Senate;
- 3 members appointed by the Speaker of the Assembly;
- 1 member appointed by the Minority Leader of the Senate; and
- 1 member appointed by the Minority Leader of the Assembly.

The Commission would have the power to administer the below provisions:

- Create and raise funds for the Dream Fund;
- Establish a not-for-profit charged with raising funds and any educational or training programs the Commission is tasked with administering and funding scholarships to students who are children of immigrants to the U.S.;
- Publicize the availability of scholarships from the Dream Fund;
- Develop criteria and a selection process for the recipients of scholarships from the Dream Fund;
- Research issues pertaining to the availability of assistance with the costs of higher education for the children of immigrants and other issues regarding access for and the performance of the children of immigrants within higher education;
- Establish, publicize, and administer training programs for high school counselors, admissions officers, and financial aid officers of institutions of

higher education. These programs would instruct participants on the educational opportunities available to college-bound students who are children of immigrants. The Commission would also offer, to the extent possible, training to school districts and BOCES throughout the state; and

- Establish a public awareness campaign regarding educational opportunities available to college-bound students who are the children of immigrants.

The Commission would establish by rule, procedures for accepting and evaluating applications for scholarships and then issue them. To receive a scholarship, a student would be required to meet the following qualifications:

- Have resided with his or her parents or guardians while attending a public or private high school in NYS;
- Have graduated from a public and private high school or received the equivalent of a high school diploma in NYS;
- Have attended a public or private high school in this state for at least 2 years as of the date he or she graduated from high school or received the equivalent of a high school diploma; and
- Have at least one parent or guardian who immigrated to the U.S.

The New York Dream Fund Commission and the New York Dream Fund would be funded entirely by private contributions and no state funds would be appropriated to, or used by, the Fund. No funds of the Dream Fund or the Commission would be transferred to the general fund or any special revenue fund or used for any purpose other than those set forth in this proposal. Both the Commission and the Dream Fund would be subject to FOIL, the open meetings law, and code of ethics/conflict of interest provisions.

Requiring Publishers and Manufacturers of Printed Instructional Materials for College Students with Disabilities

A.4989 Cusick, Chapter 194 of the Laws of 2013. This law extends for an additional three years, the requirements for publishers and manufacturers of printed instructional materials for college students to provide electronic instructional materials for college students with disabilities at a cost comparable to the cost of the printed materials. The electronic versions of the printed materials must maintain the structural integrity of the printed instructional material, be compatible with commonly used Braille translation and speech synthesis software, and include corrections and revisions as may be necessary.

Requiring Colleges to Provide Notification Regarding Sprinkler Systems in College-Owned Housing

A.5715-A DenDekker, Chapter 168 of the Laws of 2013. This law requires colleges to provide written notification to students living in college-owned or operated housing describing the housing facility's fire safety system, including whether or not the housing facility is equipped with a sprinkler system, and how to access the Campus Fire Safety Report on Student Housing.

Authorizing SUNY to Lease Land at the College of Technology at Alfred to Alfred Technology Resources, Incorporated

A.7048-A Giglio, Chapter 401 of the Laws of 2013. This law authorizes SUNY to expand the lease of lands at the College of Technology at Alfred by 0.179 acres to Alfred Technology Resources, Incorporated (ATRI). The additional acres will be adjacent to land currently leased to ATRI which houses a ceramics incubator to allow the demolition of a small structure and the creation of parking areas and improvement of traffic flow. Additionally, ATRI and any sublessee, contractor, and/or subcontractors that would be hired would be obligated to comply with: Minority and Women-Owned Business Enterprise (MWBE) provisions, prevailing wage, and additional public employee protections. The lease would include an indemnity provision that the ATRI would hold harmless/defend the SUNY Trustees from any claims or liabilities to all persons on the leased property. Finally, all contracts entered into by ATRI must be awarded by a competitive process.

Establishing a Maintenance of Effort Provision for the SUNY Hospitals

A.7403-A Glick, Veto Message #285. This bill would include the three SUNY Health Science Centers (SUNY Upstate, SUNY Downstate, and Stony Brook) in the requirement that the State must maintain general fund operating support, including fringe benefits, in an amount no less than the amount appropriated and made available in the prior state fiscal year, unless the Governor declares a fiscal emergency.

Repealing Certain Governmental Reporting Requirements to the Higher Education Services Corporation (HESC)

A.7601 Brindisi, Chapter 131 of the Laws of 2013. This law repeals certain sections of law which mandated that every application for civil service examinations, application for admission to practice as an attorney, and application for a licensed profession contain a question inquiring whether the applicant has any outstanding loans made or guaranteed by HESC, and whether the loan is presently in default. The State or municipality would then have to send applications where the applicant indicated "yes" to either question to HESC. This legislation was at the request of HESC.

III. LICENSED PROFESSIONALS

A. Legislative Highlights

New York State currently licenses 50 professions under Title VIII of the Education Law. Legislation to license a new profession or to alter the practice of an existing profession falls under the jurisdiction of the Committee on Higher Education. The State Education Department (SED), through its Office of the Professions, regulates the practice of the licensed professions on an ongoing basis.

An essential component of the monitoring process is to ensure that existing standards and qualifications reflect current practices and needs, especially in light of shifting demographics and rapidly changing technologies. Each year, the Committee reviews numerous pieces of legislation that propose to change the scope of practice of currently licensed professions. Ensuring that any modification to current professional standards is thoroughly examined and appropriately executed provides a means by which the Committee fulfills its obligations to protect the well-being of the public.

Providing for the Licensure of Perfusionists

A.526-B Magnarelli, Chapter 409 of the Laws of 2013. This law establishes the practice of perfusion and creates the title of licensed perfusionist. Perfusionists are responsible for operating the heart-lung machine to which a patient's entire blood supply is diverted during surgeries (such as cardiac surgery) as well as performing blood testing (blood gases, electrolytes coagulation, etc.), monitoring the patient during the use of such equipment, and providing medication administration all under the direction and supervision of a physician in either an Article 28 hospital or during the transport of a patient or organs. To qualify for licensure as a licensed perfusionist, applicants will be required to have:

- a) completed a baccalaureate or higher degree in perfusion registered by the State Education Department (SED); or
- b) completed a baccalaureate or higher degree and a credit bearing certificate program in perfusion acceptable to SED; or,
- c) completed a baccalaureate or higher degree at an accredited training program in perfusion acceptable to SED within 2 years of the effective date of this law.

Additionally, this law sets forth requirements for licensure which will include: an application with SED, examination, a minimum age of 21 years old, good moral character and paying a licensing fee.

A pathway to licensure (grandparenting) is provided, for up to two years, for individuals who have:

- a) been practicing as a perfusionist for 5 years in the past 10 years in an inpatient unit that provides cardiac surgery services in a hospital approved by the Department of Health, or an equivalent accrediting body acceptable to the committee and SED, at least 3 of such years of experience having occurred during the past 5 years; or
- b) certification from a national certification organization acceptable to SED and who have been employed as a perfusionist for 3 of the past 5 years.

This law will also establish a State Committee for Perfusion and limited permit for applicants who fulfill all of the requirements for licensure except those relating to the examination, and permits them to practice under the supervision of a licensed perfusionist and direction of a physician. Limited permits will expire 1 year from issuance, and may be extended for an additional one year period.

Finally, this law will extend the current law provisions which allow perfusionists, upon obtaining a permit from the State Education Department (SED), to perform certain laboratory tests under the supervision of a licensed physician.

Studying the Possibility of Making Podiatrist Profiles Public

A.814 Pretlow, Chapter 23 of the Laws of 2013. This law requires the State Education Department (SED) to conduct a study to determine the appropriateness and feasibility of making profiles on podiatrists, licensed to perform podiatric standard or advanced ankle surgery, available to the public. The study shall consider whether podiatrist profiles should be similar to the Department of Health's (DOH) physician profiles. If SED determines that making podiatric profiles publicly available is appropriate and feasible, after consultation with DOH, SED shall outline an appropriate and cost effective method of representing relevant and appropriate podiatric profiling information to the public. SED shall submit this study on or before November 1, 2016. If podiatric profiles are made public, DOH shall make available a link to podiatric profiles on DOH's webpage containing physician profiles.

This law also repeals a provision requiring DOH to establish a health care practitioner database relating to podiatrists and repeals a provision specifying the ability to use a physician as an expert witness in a trial of podiatric medical malpractice.

Certifying Clinical Nurse Specialists

A.826 Lifton, Chapter 364 of the Laws of 2013. This law establishes the certification of clinical nurse specialists (CNS). Clinical nurse specialists are advanced practice

registered nurses who work to improve patient outcomes by providing direct care to complex patients; mentoring, educating, and consulting with bedside nursing staff; providing leadership in nursing practice; and conducting research and implementing management and systems improvements. Applicants are required to be a licensed registered professional nurse in New York State, and have completed a graduate CNS program deemed acceptable by the State Education Department (SED) or fulfill other requirements established by SED and pay a fifty dollar initial certification fee and a thirty dollar triennial registration fee. This law also establishes title protection for a CNS.

Repealing Fees Relating to Continuing Competency for Occupational Therapists and Occupational Therapy Assistants

A.1049 Glick, Chapter 18 of the Laws of 2013. This law repeals the \$900 application fee and the triennial renewal fee on sponsors seeking to provide continuing competency learning activities to occupational therapists and occupational therapy assistants.

Clarifies Process by which Certain Professional Service Corporations May Convert into a Design Professional Service Corporation

A.1052 Lupardo, Chapter 9 of the Laws of 2013. Under Chapter 467 of the Laws of 2013, professional service corporations in good standing that provide design services and wish to offer an employee stock ownership plan in the corporation (up to 25%) to employees that are not licensed design professionals (engineers, architects, landscape architects or land surveyors), were authorized to transition to design professional service corporations, upon meeting certain requirements, without reincorporating as a new entity. This law provides clarifying amendments and enumerates the process by which a professional service corporation becomes a design professional service corporation without reincorporating as a new entity.

Authorizing Professionals Appointed by the World Triathlon Corporation

A.4859 Stec, Chapter 141 of the Laws of 2013. This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who have been appointed by the World Triathlon Corporation, to provide services to participating athletes at the Ironman Triathlon held on July 28, 2013 in Lake Placid, New York.

Extending Limited Licensure in Clinical Laboratory Technology

A.6124-A Magnarelli, Chapter 336 of the Laws of 2013. This law extends until September 1, 2016, the limited licensure of applicants employed in a clinical laboratory

under the direction of a clinical director and performing exams and procedures within clinical laboratory technology. Extension of this limited licensure provision will also allow applicants to complete the education and experience needed to pass the exam required for licensure as a clinical laboratory technologist or histological technician.

Authorizing Professionals Appointed by the New York Road Runners

A.6539 Glick, Chapter 29 of the Laws of 2013. This law authorizes physicians, physician assistants, massage therapists, physical therapists, chiropractors, dentists, optometrists, nurses, nurse practitioners, certified athletic trainers, or podiatrists who are licensed in another state or territory, who are in good standing in such state or territory and who have been appointed by New York Road Runners, to provide services to participating athletes four days before, the day of, and one day after the following events:

- The Brooklyn half marathon on May 18, 2013;
- The Queens 10K on July 21, 2013;
- The Bronx Ten Miler on September 29, 2013;
- The Staten Island half marathon on October 13, 2013; and
- The ING New York City marathon on November 3, 2013.

Requiring Continuing Education for Social Workers

A.6703-A Pretlow, Chapter 443 of the Laws of 2013. This law requires licensed master social workers (LMSW) and licensed clinical social workers (LCSW) to complete 36 hours of acceptable formal continuing education, with a maximum of 12 hours of self-instructional coursework during each triennial registration.

Providing for the Licensure of Applied Behavior Analysis

A.6963-B Morelle, Chapter 554 of the Laws of 2013. This law defines the practice of applied behavior analysis (ABA) and the practice of a licensed behavior analyst and certified behavior analyst assistant. Education, experience, examination, age, moral character and fee requirements are established for a qualified individual to apply to the State Education Department (SED) for licensure or certification. Individuals who are certified or registered by a national certifying body and attest to moral character to be licensed as a behavior analyst or certified as a behavior analyst assistant would be provided a pathway for licensure if they submit an application to SED within two years of the effective date. Limited permits would be established for applicants who meet all the qualifications for licensure except for examination and/or experience requirements. Additionally, this law sets forth exemptions from licensure and certification requirements for certain individuals employed by certain programs; creates the state board for applied behavior analysis; and makes amendments to corporate practice allowances. This law further requires licensed behavior analysts and certified behavior

analyst assistants to complete two hours of coursework or training on the identification and reporting of child abuse and maltreatment and adds them to the list of mandated reporters of such abuse and maltreatment.

Extending the Duration of Limited Permits for Mental Health Practitioners

A.7138 Glick, Chapter 485 of the Laws of 2013. This law authorizes the State Education Department to issue limited permits to all mental health practitioners for two years, and for such permits to be renewed for up to two additional one-year periods.

Requiring Continuing Education for Mental Health Counselors, Marriage and Family Therapists, Psychoanalysts, and Creative Arts Therapists

A.7225 DenDekker, Chapter 486 of the Laws of 2013. This law requires licensed mental health counselors, marriage and family therapists, psychoanalysts, and creative arts therapists to complete 36 hours of acceptable formal continuing education, with a maximum of 12 hours being in self-instructional coursework during each triennial registration.

Authorizing Pharmacists to Administer Meningitis Vaccines

A.7324-A O'Donnell, Chapter 274 of the Laws of 2013. This law authorizes licensed physicians and certified nurse practitioners to prescribe a non-patient specific regimen to a licensed pharmacist to administer meningococcal disease immunizations. This law also expands the definition of "administer" to include patient specific and non-patient specific orders prescribed by a licensed physician or certified nurse practitioner for meningococcal disease vaccines.

Authorizes Dental Hygienists to Provide Certain Dental Services, Pursuant to a Collaborative Agreement, in Certain Facilities

A.7866 Glick, Chapter 239 of the Laws of 2013. This law authorizes registered dental hygienist working for a hospital as defined in Article 28 of the public health law, pursuant to a collaborative agreement with a licensed and registered dentist who has a formal relationship with the same hospital, to provide certain dental services. The dental hygienist will be required to instruct patients to visit a licensed dentist for a comprehensive examination and treatment.

IV. PUBLIC HEARINGS

New York's Public University Systems' Use of State Aid and Revenue Generated by Tuition Increases

December 12, 2013
Hamilton Hearing Room B, LOB
Albany, New York

The Higher Education Committee convened a hearing and sought testimony on the impact of the tuition increases authorized by the NY-SUNY 2020 Challenge Grant Program (Chapter 260 of the Laws of 2011) on New York's public university systems and their use of State Aid provided in the 2013-14 State budget.

In 2011, the NY-SUNY 2020 Challenge Grant Program was enacted. This legislation comprises of many components including:

- authorizing the State University of New York (SUNY) and the City University of New York (CUNY) to increase tuition for resident undergraduate students up to \$300 per year for a period of five years;
- allowing SUNY to increase out-of-state undergraduate tuition at the four university centers up to 10% over the previous year for a period of five years;
- creating a tuition credit for New York resident students who receive Tuition Assistance Program (TAP) awards and whose tuition exceeds \$5,000; and
- requiring SUNY and CUNY to annually report on how each campus implements cost saving measures and increases fundraising efforts for the duration of the five year tuition plan.

This hearing sought testimony on how SUNY and CUNY are using the state aid that was appropriated in the 2013-14 State budget; the impact the NY-SUNY 2020 Challenge Grant Program has had on New York's public university systems; an analysis of where the tuition revenue is going; the number of new faculty hired by each campus and for which academic programs; recent trends in student enrollment, including student diversity; how much SUNY and CUNY are contributing towards the tuition credit; the expansion of existing academic programs and the development of new academic programs being offered by SUNY and CUNY and at which campuses; and how fundraising efforts are working. The Committee also sought an update on the START-UP NY Program.

Individuals who testified at the hearing include: Nancy L. Zimpher, Chancellor, SUNY; Harvey G. Stenger, President, Binghamton University; Candace Vancko,

President, SUNY Delhi; William Kelly, Interim Chancellor, CUNY; Stephen Allinger, Director of Legislation, New York State United Teachers (NYSUT); Frederick E. Kowal, President, United University Professions (UUP); Cynthia Roldan, Vice Chair for Legislative Affairs, University Student Senate CUNY; Kudzai Tunduwani, Engineering Senator, University Student Senate CUNY; David J. Rosenberg, President, CLAS Student Government, Brooklyn College; and Adam Camacho, Alumni, Baruch College.

V. OUTLOOK FOR 2014

As the Committee looks ahead to the upcoming 2014 Legislative Session, many of the traditional goals relative to higher education and the professions will continue to take precedence.

Foremost among the Committee's priorities for the 2014 session will be to secure financing for the coming fiscal year sufficient to meet the needs of SUNY, CUNY, and the independent sector in order to support their unique educational missions. The broader goal of preserving access opportunities to higher education for students across New York State is also critical. By continuing to fight for increased funding for access programs, the Committee will promote the recognition of these highly successful educational services and assist more students in realizing their higher education aspirations. Another priority of the Committee will be to provide capital funding for SUNY and CUNY. Campuses throughout the state are in need of funding for critical maintenance as well as the expansion of academic and residence facilities. As always, the Committee will continue to focus on TAP and ensure the availability of the program at current or enhanced levels. The Assembly Higher Education Committee is proud of this comprehensive financial aid program and will fight to continue its success in opening doors to college students throughout the State.

In 2014, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by the Department of Education's Office of the Professions. Chief among these will be initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. The Committee will continue to study the evolution of existing professions to assess the possible need for statutory changes to reflect the changing needs of consumers.

APPENDIX A

PROFESSIONS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF REGENTS

| | |
|-------------------------------------|-----------------------------------|
| Acupuncture | Midwifery |
| Architecture | Nursing |
| Athletic Training | • Nurse Practitioner |
| Audiology | • Registered Professional Nurse |
| Certified Shorthand Reporting | • Licensed Practical Nurse |
| Chiropractic | Occupational Therapy |
| Clinical Laboratory Technology | • Occupational Therapist |
| • Clinical Laboratory Technologist | • Occupational Therapy Assistant |
| • Cytotechnologist | Ophthalmic Dispensing |
| • Clinical Laboratory Technician | Optometry |
| • Certified Histological Technician | Perfusion |
| Dentistry | Pharmacy |
| • Dentist | Physical Therapy |
| • Dental Anesthesia/Sedation | • Physical Therapist |
| • Dental Hygienist | • Physical Therapist Assistant |
| • Certified Dental Assistant | Podiatry |
| Dietetics and Nutrition | Polysomnographic Technician |
| Engineering | Psychology |
| Interior Design | Public Accountancy |
| Land Surveying | • Certified Public Accountant |
| Landscape Architecture | • Public Accountant |
| Massage Therapy | Respiratory Therapy |
| Medical Physics | • Respiratory Therapist |
| Medicine | • Respiratory Therapy Technician |
| • Physician | Social Work |
| • Physician Assistant | • Licensed Master Social Worker |
| • Specialist's Assistant | • Licensed Clinical Social Worker |
| Mental Health Practitioners | Speech-Language Pathology |
| • Creative Arts Therapist | Veterinary Medicine |
| • Marriage and Family Therapist | • Veterinarian |
| • Mental Health Counselor | • Veterinary Technician |
| • Psychoanalyst | |

APPENDIX B

2013 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on Higher Education

| <u>Final Action</u> | <u>Assembly Bills</u> | <u>Senate Bills</u> | <u>Total Bills</u> |
|--|-----------------------|---------------------|--------------------|
| | | | |
| <u>Bills Reported With or Without Amendment</u> | | | |
| | | | |
| To Floor; not returning to Committee | 3 | | 3 |
| To Ways and Means Committee | 6 | | 6 |
| To Codes Committee | 14 | | 14 |
| To Rules Committee | 7 | | 7 |
| To Judiciary Committee | 0 | | 0 |
| Total | 30 | | 30 |
| | | | |
| <u>Bills Having Committee Reference Changed</u> | | | |
| | | | |
| To Codes | 1 | | 1 |
| To Education | 1 | | 1 |
| To Consumer | 1 | | 1 |
| | | | |
| Total | 3 | | 3 |
| | | | |
| <u>Senate Bills Substituted or Recalled</u> | | | |
| | | | |
| Substituted | | 3 | 3 |
| Recalled | | 0 | 0 |
| Total | | 3 | 3 |
| | | | |
| <u>Bills Defeated in Committee</u> | 0 | 0 | 0 |
| <u>Bills Held for Consideration</u> | 0 | 0 | 0 |
| <u>Bills Never Reported, Died in Committee</u> | 250 | 19 | 269 |
| <u>Bills Having Enacting Clauses Stricken</u> | 9 | 0 | 9 |
| <u>Motion to Discharge Lost</u> | 0 | 0 | 0 |
| <u>Total Bills in Committee</u> | 292 | 22 | 314 |
| Total Number of Committee Meetings Held | 6 | | |