

# 2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON  
HIGHER EDUCATION



Sheldon Silver, Speaker

Deborah J. Glick, Chair



DEBORAH J. GLICK  
Assemblymember 66<sup>th</sup> District  
New York County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education  
COMMITTEES  
Environmental Conservation  
Rules  
Ways & Means

December 15, 2008

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 2008 Annual Report which highlights our activities over the past year.

The 2008 Legislative Session was a productive one. Following a series of public Conference Committee meetings, the 2008-09 Legislative budget for higher education provided \$115.7 million in additions above the Executive proposal. The Legislature increased Operating Aid for SUNY State Operated colleges above the Executive proposal by \$38.4 million and by \$19.6 million for CUNY Senior colleges, and restored the Executive's \$27.5 million proposed cuts to community college base aid, returning funding levels from \$2,555 per full-time equivalent (FTE) to \$2,675 per FTE for SUNY and CUNY community colleges.

The Legislature restored \$15.4 million to the Tuition Assistance Programs, rejecting a \$50 across the board cut to all TAP recipients. Additionally, the Assembly fought against a \$2.9 million cut to the TAP program that would have prohibited students in default on their federal student loans to continue to receive TAP. The Assembly also continued its commitment in ensuring all students have access to higher education and enhancing student academic success with an \$8.8 million restoration for higher education counseling, remedial coursework, financial assistance, drop-out prevention and skills training programs.

Following the enacted 2008-09 budget, and in order to help close a budget gap, additional cuts were proposed by the Executive and later accepted by the Legislature in an August 2008 special legislative session. The cuts included decreases in Operating Aid for SUNY State Operated colleges by \$107.32 million and \$50.6 million for CUNY Senior

colleges, a \$1.02 million decrease in SUNY and \$586,600 in CUNY community college programs, and a \$5.5 million decrease in higher education access and opportunity programs.

The Committee's efforts were not limited to fiscal concerns. In fact, the 2008 Legislative Session addressed several pressing issues that reflect the varied priorities of the Higher Education Committee. The Committee passed legislation, later enacted, that allows pharmacists to administer flu shots to adults in order to improve immunization rates and save public health care dollars which would be used to treat vaccine-preventable illnesses and hospitalizations. In addition, several new laws were enacted, including: amending the Clinical Laboratory Technology Practice Act (CLTPA), allowing third parties to make contributions to an account owner's New York State College Choice Tuition Savings account, and authorizing SED to issue a restricted dental faculty license to a full-time faculty member employed at an approved New York State school of dentistry.

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 second 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 system of public and private higher education remains the best in the nation.

Sincerely,



Deborah J. Glick

Chair

Higher Education Committee

**2008 ANNUAL REPORT**

**NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON HIGHER EDUCATION**

**Deborah J. Glick, Chair**

**Committee Members**

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Ranking Minority Member  
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Michael Cole  
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Louis R. Tobacco

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Jennifer Trowbridge, Analyst  
Lindsey Goodspeed, Committee Assistant  
Suzanne Bolling, Associate Counsel  
Theresa Swidorski, Legislative Director  
Sarah Sorensen, Legislative Analyst  
Susan Noworogrodski, Committee Clerk  
Laura Inglis, Program and Counsel Executive Secretary

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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 the City University, 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 the country's largest state-supported Tuition Assistance Program (TAP).

The Committee on Higher Education also monitors the ongoing activities of the 47 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 2008 legislative session.

## II. HIGHER EDUCATION

### A. Budget Highlights

The 2008-09 Legislative budget for higher education provided \$115.7 million (\$92 million SFY) in additions above the Executive proposal. The Legislature increased Operating Aid for SUNY State Operated colleges above the Executive proposal by \$38.4 million and by \$19.6 million for CUNY Senior colleges, and restored the Executive's \$27.5 million proposed cuts to community college base aid, returning funding levels from \$2,555 per full-time equivalent (FTE) to \$2,675 per FTE for SUNY and CUNY community colleges.

#### *1. Community Colleges*

This year, the Executive proposal decreased State support for community colleges by \$120 for each FTE student. Base aid is the state's responsibility for its share of community college budgeted costs and is comprised of a \$2,675 payment for each FTE student. The State, the sponsoring locality, and the students are meant to equally share in the operational costs of community college, with all parties paying one-third of the cost. The level of State support that community colleges receive directly affects tuition rates and local contributions. Recognizing the importance of the State's support of community colleges, the Assembly restored academic year funding of \$20 million for SUNY and \$7.5 million for CUNY community college base aid. This restoration of funding keeps the State's share of community college financing to \$2,675 per FTE student as compared to the \$2,555 recommended by the Governor in his budget proposal.

The Assembly fully restored the 2% cuts taken to a number of SUNY community colleges programs including \$184,000 for Rental Aid, \$40,000 for Contract Courses, \$36,000 for High Need Programs, and \$21,000 for Childcare. Additional restorations included \$1 million in additional aid for community colleges with low enrollment and \$573,000 for the Cornell Cooperative Extension Program. Also restored were the 2% cuts taken to a number of CUNY community college programs including \$146,000 for Rental Aid, \$40,000 for Workforce Development, and \$17,000 for Childcare.

#### *2. SUNY State Operated Colleges and CUNY Senior Colleges*

Expanding access to public universities continues to be a high priority for the Assembly Higher Education Committee. The Assembly was instrumental in restoring proposed cuts in operating aid of \$19.6 million for CUNY to counteract significant cuts to the University's master plan initiatives and \$38.4 million for

SUNY to reduce the significant financial impact additional cuts may place upon the system in the upcoming year. Tuition remains at \$4,350 at SUNY and \$4,000 at CUNY.

Increased funding to the Office of Diversity and Multicultural Affairs at \$200,000, \$2 million for the expansion of nursing programs across CUNY and SUNY campuses, and restorations of \$500,000 each for the Small Business Development Centers and for the Joseph Murphy Institute at Queens College were provided by the Legislature.

This year, the Assembly fought to ensure restorations were made to higher education programs, amounting to \$839,000 for the Educational Opportunity Program (EOP), \$652,040 for SEEK, \$58,965 for College Discovery programs, \$380,000 for STEP/CSTEP, and \$778,000 for the Liberty Partnership program.

### ***3. 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 2008 twenty-eight percent of the students enrolled in the independent sector in New York State were minorities. The independent colleges and universities of the State enroll over 464,000 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.

In many instances across the State, a college or university is the major employer in the community. Therefore, a strong independent sector of higher education helps the New York economy in several respects: through educating its work force, as an employer, and through the ancillary services in the community that cater to the student and staff population. Independent campuses throughout New York State have a collective annual economic impact of \$47.5 billion, employ 372,000 New Yorkers and have a \$17.5 billion payroll.

#### **Higher Education Opportunity Program (HEOP)**

This year, the Legislature restored funding to the program by \$1.521 million in order to keep its commitment to help disadvantaged students gain access to private colleges.

## **Bundy Aid**

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. The Legislature restored \$4.5 million in funding for Bundy Aid. The Legislature also provided \$20,000 in restorations for nursing programs at private institutions.

## ***4. Financial Aid***

### **Tuition Assistance Program**

New York State is fortunate to have the most comprehensive system of financial aid in the United States. At the forefront is the Tuition Assistance Program (TAP), New York's largest grant program which helps eligible New York residents pay tuition at approved schools in New York 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 college.

The Assembly Higher Education Committee is committed to keeping college affordable for students. This year, the Legislature restored \$15.4 million to the TAP program, rejecting a \$50 across the board cut to all TAP recipients. Additionally, the Assembly fought against a \$2.9 million cut to the TAP program that would have prohibited students in default on their Federal student loans to continue to receive TAP.

### **Scholarships/Loan Forgiveness Programs**

The Legislature accepted the Executive's \$2 million proposal to create a Veterans Tuition Awards program which would provide all returning combat veterans who served after February 28, 1961 with a tuition benefit up to \$4,350 to be used at any college in New York State. The Legislature also extended the Regents Professional Opportunity and Regents Health Care Professional Scholarship program for one year.

### **Access Programs**

Access to higher education opportunities 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 all students access to higher education and enhancing 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 4,771 students through 59 programs with support programs including pre-freshman summer programs, remedial and developmental courses, tutoring, and counseling.

\*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. EOP support programs include special tutoring, and academic, career, and personal counseling.

\*The Liberty Partnerships Program serves middle, junior, and senior high school students who are at risk of dropping out, and assists them in completing high school, preparing for and entering college, and obtaining meaningful employment;

\*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. The TOC is also considered to be a model of excellence for teacher education programs.

\*The Science and Technology Entry Program (STEP) and Collegiate-STEP (CSTEP) was created to encourage the attendance of more students of underrepresented and economically disadvantaged populations by helping these students to enter collegiate study and careers in scientific, technical, and health-related fields; and

\*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.

### ***5. Post-Budget Cuts***

Following the enacted 2008-09 budget, and in order to help close a budget gap, additional cuts were proposed by the Executive and later accepted by the Legislature in an August 2008 special legislative session. The cuts included decreases in Operating Aid for SUNY State Operated colleges of \$107.32 million (including an additional \$11 million General Fund cut offered to the Executive by SUNY), a \$50.6 million decrease for CUNY Senior colleges, a \$1.02 million decrease in SUNY and a \$586,600 decrease in CUNY community college programs, and a \$5.5 million decrease in higher education access and opportunity programs.

## **B. Legislative Highlights**

### ***1. Community Colleges***

New York State has 36 public community colleges: 30 within the State University system and six within the City University system. With an enrollment of approximately 295,647 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 is comprised of 23 campuses throughout Queens, Brooklyn, Manhattan, the Bronx, and Staten Island. It includes eleven 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 six community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population of approximately 244,253 students annually: 162,735 at the senior colleges and 81,518 at the community colleges.

### ***3. State University of New York***

The State University of New York 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. The State University system enrolls approximately 427,398 students in over 7,000 programs of study.

#### **Adjustments to Students Tuition Assistance Program (TAP) Awards**

**A.1929-A, Canestrari; Veto Number 107.** This bill would have allowed the Higher Education Services Corporation (HESC) to make an adjustment to a student's TAP award after the beginning of any semester if the student, or their spouse, parent or legal guardian suffers a catastrophic illness or a permanent or total physical or mental disability; is called into active military duty; experiences an involuntary change in their employment status; or has experienced a recent divorce or separation. The Governor vetoed this legislation citing concerns that this bill would impose costs that cannot be provided at this time due to the State's difficult fiscal climate. Furthermore, the Governor stated that revisions to the TAP program's methodology should be developed within the context of an overall State budget review.

#### **The Textbook Access Act**

**A.8167-A, Glick; Chapter 433 of the Laws of 2008.** This Chapter requires that all publishers of college textbooks give, upon request, faculty members or academic departments the prices that will be charged at the college bookstore. In addition, this Chapter requires each college to institute policies that encourage faculty members to place their orders in a timely manner to allow the college or bookstore time to confirm the availability of the requested materials and, when appropriate, the availability of used materials or alternate digital formats. Finally, this Chapter prohibits college employees from asking or receiving anything in return for ordering specific material, except in certain instances.

### **Volunteer Recruitment Service Scholarship Program**

**A.8424, Magee; Veto Number 156.** This bill would have allowed volunteer organizations to submit up to three applications annually, placed in order of priority by the organization, to HESC for voluntary recruitment scholarships. Under current law, volunteer organizations are allowed to submit one application annually to HESC. The Governor vetoed this legislation citing concerns that this bill could require an additional two million dollars in funding each year. In addition, the Governor believes that legislation with a fiscal impact on the State should be considered as part of the State's budget process.

### **Senior Learning Community at SUNY Purchase**

**A.8535-A, Bradley; Veto Number 30.** This bill would have authorized the SUNY trustees to lease land to the Purchase College Advancement Corporation for 35 years to provide for senior housing on the grounds of SUNY Purchase. The legislation identified 40.5 acres of land to be leased for developing up to 385 units of senior housing. Of these units, 20% would be required to be affordable to individuals with incomes not to exceed 80% of the area median income. In addition, this bill would have required 80 acres of open space lands on the SUNY Purchase campus to be identified and maintained for natural communities and to provide the public with recreational opportunities. Finally, any proceeds relating to the lease would have been apportioned with seventy-five percent to student scholarships and twenty-five percent to support additional full-time faculty positions. The Governor vetoed this legislation citing concerns that the development of senior learning communities on SUNY campuses should not be done in a piecemeal fashion. In addition, the Governor believes that the appropriate time to consider how the State will use the revenue generated from this proposal is during the State's budget negotiations.

### **Restricted Dental Faculty Licenses**

**A.8716-C, Glick; Chapter 537 of the Laws of 2008.** This law authorizes SED to issue a restricted dental faculty license to a full-time faculty member employed at an approved New York State school of dentistry. The restricted dental faculty license allows the faculty member to practice dentistry only in the school's facilities or clinics, or facilities or clinics that have a formal affiliation agreement with the school. This law also requires the Dean of the dental school to provide annual notice to SED indicating that the licensee remains employed full-time at the dental school. Both the Dean and the licensee are required to notify SED in writing within 30 days of the termination of the licensee's full-time employment.

### **New York State College Choice Tuition Savings Accounts**

**A.8985-A, Towns; Chapter 81 of the Laws of 2008.** This Chapter allows third parties to make contributions to an account owner's New York State College Choice Tuition Savings account. This Chapter also provides that any tax exemption for such account be available only to the account owner.

### **State Aid to Independent Institutions**

**A.9222-A, Gabryszak; Chapter 507 of the Laws of 2008.** This law allows Villa Maria College to elect to receive Bundy Aid for the associate degrees it confers provided that they do not continue to receive any awards for the bachelor degrees it confers. Under current law, institutions authorized to confer bachelor degrees must elect to receive Bundy Aid for the bachelor degrees it confers. This law will allow Villa Maria College to elect to receive Bundy Aid for the associate degrees it confers as it only offers a bachelor degree in one program area.

### **Powers Granted to Private College Security Officers**

**A.9271-A, Lentol; Chapter 612 of the Laws of 2008.** This Chapter increases the powers of private college security officers by allowing them to issue various types of appearance tickets and a uniform navigation summons and/or complaint. In addition, this Chapter will allow private college security officers to seize an alcoholic beverage upon observing a person under the age of 21 openly in possession of and with the intent to consume the alcoholic beverage.

### **The Board of Trustees of the Fashion Institute of Technology (FIT)**

**A.10713, Gottfried; Chapter 319 of the Laws of 2008.** This Chapter increases the number of members on FIT's Board of Trustees to twelve effective July 1, 2008. Effective July 1, 2009, the number will be increased again to fourteen members. Finally, effective July 1, 2010 the number of members will be increased to sixteen. For each of these member increases, one new member will be appointed by the local sponsor and one new member will be appointed by the Governor.

### **The Tuition Waiver Program for Police Officer Students at CUNY**

**A.10736, Lentol; Chapter 293 of the Laws of 2008.** This law extends until July 1, 2010, the tuition waiver program for police officer students of CUNY. Currently, NYC police officers who are enrolled in programs leading to a baccalaureate or higher degree at a CUNY senior college, can attend one course, without tuition, provided that the course is related to their employment as police officers and that such tuition-waived attendance does not deny attendance at CUNY by an individual who is otherwise qualified.

### **Center for Geometry and Physics at Stony Brook University**

**A.11099-A, Englebright; Chapter 629 of the Laws of 2008.** This Chapter authorizes SUNY Stony Brook to enter into a lease agreement with the Stony Brook Foundation for three years to design and construct a Center for Geometry and Physics.

### **Technical Corrections to Article 14 of the Education Law**

**A.11135, Glick; Chapter 622 of the Laws of 2008.** This law makes technical corrections to Article 14 of the Education Law by amending Subdivision 5 of Section 663 of the Education Law to correct a reference to a subdivision that was repealed, merged, and renumbered in 1995 relating to an adjustment of income used in calculating TAP awards when more than one family member is in full time attendance in an approved program. This law also amends Subdivision 1 of Section 667 of the Education Law to make this subdivision consistent with changes made to other parts of this section in 2000. In addition, this law will clarify that HESC makes TAP awards based upon 100% of tuition. Finally, this law repeals Subdivision 1 of Section 680 of the Education Law and creates a new Subdivision 1 to merge changes made in two separate chapters of 1996. This amendment also eliminates duplicative references that authorize HESC to guarantee federal student loans.

### **Adjustments to Students Tuition Assistance Program (TAP) Awards**

**A.11714-A, Canestrari; Veto Message 105.** This bill would have made a technical correction to a proposed Chapter of the Laws of 2008, as proposed in legislative bill A.1929-A (Canestrari). A.1929-A would have allowed HESC to make an adjustment to a student's TAP award after the beginning of any semester if certain extenuating circumstances occurred. This bill would have amended the proposed Chapter of the Laws of 2008 to allow HESC to certify applicants as eligible for adjustments from "within 30 days" to "a reasonable period of time" when adjustments of TAP awards are requested. The Governor vetoed A.1929-A therefore making this bill unnecessary.

### III. LICENSED PROFESSIONS

#### A. Legislative Highlights

New York State currently licenses 47 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. SED, through its Office of the Professions, regulates the practice of such 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 which propose to change the scope of practice of currently licensed professions. Modifying current professional standards provide a means by which the Committee fulfills its obligations to protect the well-being of the public.

#### Property of Museums

**A.995-A, Brodsky; Chapter 157 of the Laws of 2008.** This Chapter establishes guidelines for museums that are governmental entities or not-for-profit corporations that have collecting as a stated purpose in their charter for acquiring the title to abandoned property and for deaccessioning procedures.

#### Pharmacists Administering Immunizing Agents

**A.2140-D, Paulin; Chapter 563 of the Laws of 2008.** This law authorizes pharmacists to administer immunizing agents to adults pursuant to a non-patient specific regimen prescribed or ordered by a licensed physician or certified nurse practitioner. The administration is limited to immunizing agents that prevent the flu or pneumonia and medications required for emergency treatment of anaphylaxis. In addition, this law requires the Department of Health, in consultation with the State Education Department, to submit a report to the Governor and Legislature on the results and effectiveness of this legislation. This legislation will expire on March 31, 2012.

#### Practice of Interior Design

**A.6534, Canestrari; Veto Number 36.** This bill would have required that any person who uses the title "interior designer" meet the requirements set forth in Article 161 unless he/she has been exempted from such requirements. In addition, this bill would have eliminated the term "certified" from law, creating the sole title "interior designer." Finally, this bill would have granted a two year window of opportunity to allow persons

who have been practicing interior design for 15 or more years to continue to practice, upon submission of an application to SED. The Governor vetoed this legislation citing concerns that courts have found similar legislation restricting the use of the title “interior designer” in other states to be overly broad, unreasonable, and vague. Furthermore, the Governor believes that this bill could limit new entrants into the field of interior design and, thus, restrain competition. Finally, the Governor cites concerns that no evidence has been presented to suggest that harm is occurring to the public as a result of the unregulated practice of interior design.

#### **Authorized Professionals Appointed by Ironman North America Triathlon, Inc.**

**A.10423, Sayward; Chapter 125 of the Laws of 2008.** This Chapter allows a person licensed to practice as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner or podiatrist in another state or territory who is in good standing in that state or territory, to provide professional services in New York to athletes and team personnel registered to train at a location in New York to compete in an event sanctioned by Ironman North America Triathlon, Inc. This Chapter was in effect from July 16 to July 21, 2008.

#### **Amendments to the Clinical Laboratory Technology Practice Act**

**A.10945-A, Canestrari; Chapter 204 of the Laws of 2008.** This law amends the Clinical Laboratory Technology Practice Act (CLTPA) to create a Master of Science degree program within the Wadsworth Center in the field of laboratory science. In addition, this law exempts individuals performing only waived tests or provider-performed microscopy procedures from the licensure requirements of the CLTPA and from the requirements pursuant to Article Five, Title Five of the Public Health Law. This law authorizes the Department of Health to issue a certificate of registration to such individuals or entities allowing the performance of one or more waived tests or provider-performed microscopy procedures for a period of up to two years. Furthermore, this law provides for the certification of histological technicians and establishes requirements for their certification. This law also extends and expands grandparenting provisions for clinical laboratory technologists, clinical laboratory technicians and cytotechnologists and creates grandparenting provisions for histological technicians. Moreover, this law exempts from the requirements of the CLTPA, clinical laboratory technology practitioners employed by the New York State Department of Health Wadsworth Center Laboratory or the New York City Department of Health and Mental Hygiene Public Health Laboratory, students or trainees enrolled in approved clinical laboratory science or technology education programs or training programs and individuals who are working in facilities registered pursuant to Section 579 of the Public Health Law and only performing waived tests. This law creates restricted clinical laboratory licenses and limited licenses and establishes requirements for such licensure. Finally, this law requires the Commissioner of Education, in

consultation with the Commissioner of Health, to prepare a report to the Legislature no later than March 1, 2013 relating to the advisability of establishing additional areas in which a restricted license may be issued and with respect to limited permits, the progress of educational programs in increasing the number of graduates from licensure qualifying programs.

### **Continuing Education for Physical Therapists**

**A.10985-A, Canestrari; Chapter 207 of the Laws of 2008.** This Chapter requires licensed physical therapists and certified physical therapist assistants to complete a minimum of thirty six hours of continuing education every three years in order to receive a triennial registration certificate.

### **Citizenship Requirement for Licensed Physicians**

**A.12227-A, Kavanagh; Chapter 379 of the Laws of 2008.** This law allows the Board of Regents to grant an additional three year waiver of the citizenship requirement needed in order to qualify for a license as a physician, and at its expiration an extension for a period of up to six additional years, to an alien physician who holds an H-1b visa, an O-1 visa, or an equivalent or successor visa.

### **Removing Component Members of The New York State Dental Association**

**A.11594, Glick; Chapter 278 of the Laws of 2008.** This Chapter establishes a procedure that allows the directors of the New York State Dental Association to remove a district or county society as a component member by a two-thirds vote.

### **Property of Museums**

**A.11719, Brodsky; Chapter 220 of the Laws of 2008.** This Chapter amends Chapter 157 of the Laws of 2008 which establishes guidelines for museums that are governmental entities or not-for-profit corporations that have collecting as a stated purpose in their charter for acquiring the title to abandoned property and for deaccessioning procedures. This Chapter seeks to ensure that museums make a good faith effort to ascertain the identity and last known address of a lender/owner. It also redefines “undocumented property” to reflect the same good faith search standard and require a lengthier holding period. Furthermore, the holding period will be measured from the date the loan expired rather than the date of last contact with the lender/owner.

#### IV. PUBLIC HEARINGS

##### *Examining the New York State Higher Education Commission's Preliminary Report*

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| <p>January 24, 2008<br/>Roosevelt Hearing Room C<br/>Legislative Office Building<br/>Albany, New York</p> <p>AND</p> <p>February 8, 2008<br/>250 Broadway, Room 1923<br/>New York, New York</p> |
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On May 20, 2007, Executive Order No. 14 established the New York State Commission on Higher Education to make recommendations regarding improving New York's colleges and universities. The preliminary report was transmitted to the Governor and released to the public on December 17, 2007. After further consideration and public hearings, the final report of the Commission was transmitted to the Governor in June of 2008.

The Higher Education Committee held two hearings, one in Albany and one in New York City, to discuss the initial recommendations of the Commission and seek additional proposals from the public in order to further the goal of continuously improving public higher education.

Richard P. Mills, Commissioner of the New York State Education Department, and Senior Deputy Johanna Duncan-Poitier highlighted the Commission's proposal for a sustainable financial support program for public higher education, the need to recruit world class full-time faculty, the importance of the relationship between a diverse world class workforce and a first rank higher education system, as well as the Regents' actions in response to the Commission's recommendations.

M. Patricia Smith, Commissioner of the New York State Department of Labor, discussed the need to upgrade the skills of our current incumbent workforce, especially for small and mid-sized firms, and how our community colleges are the primary institutions of higher education that serve New York's workforce development needs.

A panel of SUNY College Presidents from SUNY Morrisville, Nassau County Community College, SUNY Fredonia, SUNY Albany and SUNY Upstate testified about the importance of investing in the SUNY system in order to ensure quality, affordability

and accessibility.

Manfred Philipp, Chair of CUNY's Faculty Senate, discussed the importance of providing funding for more full-time faculty as they relate to the quality of public higher education and how faculty are the individuals involved in the cutting-edge research that attracts jobs.

SUNY Student Assembly members Rubin Ingber and Julie Gowdar testified about issues of importance to SUNY students across New York State: improving college libraries and the services that they provide, the hiring of a more diverse faculty, the importance of TAP and the burden of fees.

Dr. Pedro Caban, SUNY's Vice Provost for Diversity and Education Equality, discussed the need for new academic programs that will prepare SUNY students to live and work successfully in a racially and culturally changing state and the importance of recruiting and retaining a diverse faculty.

Barbara Bowen and Steve London from CUNY's Professional Staff Congress testified that while the Commission hit on the overriding problem of under-funding both CUNY and SUNY, that their financing strategy to achieve long-term investment was problematic. They went on to state that a reliance on tuition, enrollment increases, and efficiencies to generate the lion's share of programmatic investment dollars was short-sighted. Additionally, they discussed that while the call for the state to assume up to 40% of community college was laudable, that without maintenance of effort funding requirements on localities and caps on community college tuition, community colleges would not see real gains and students would see their tuition costs soar.

Robert Ramos, Chairperson of the University Student Senate and student trustee of CUNY, highlighted his support of the Commission's recommendations to invest in more full-time faculty, fund CUNY's capital plan and address critical maintenance issues, as well as the need to create articulation agreements between community colleges and senior colleges.

Other individuals who testified at the hearing include: Tom Hillard, Senior Policy Associate, Schuyler Center of Analysis and Advocacy; Anne W. Ackerson, Director, Museum Association of New York; Thomas F. Guernsey, President and Dean, Albany Law School; Lynne King, Director of Library Services, Schenectady County Community College; Fran Clark, Program Coordinator, New York Public Interest Research Group (NYPIRG); Carl Wiezalis, President, University Faculty Senate; Milton Johnson, President, Faculty Council of Community Colleges; Charles Baron, Chair of Higher Education Committee, NYC Council; Linda O' Brien, President, New York State Nurses Association (NYSNA); David Rhodes, President, School of Visual Arts; Luz Schreiber, Student, Hunter College; Anthony Hernandez, SGA delegate, Baruch College; Berneal Sutherland, Student,

Queens College; Antwuan Gavins, University Student Senate delegate, John Jay College; Steven Zeidman, Professor, CUNY School of Law; Lenore Beaky, Professor of English, LaGuardia Community College; Warren Benton, Professor and Department Chair, John Jay College; Martha J. Bell, Ph.D., Chair and Murry Kopelman Professor of Community Service, Brooklyn College; Cheryl Lynch, Chairperson, New York Public Interest Research Group (NYPRIG); Carl Lindskoog, Doctoral Candidate, Doctoral Student's Council, CUNY; Abbe Herzig, Assistant Professor, University of Albany; Felipe Pimentel, Assistant Professor, Hostos Community College; Jason Kramer, Executive Director, New York State Higher Education Initiative; Terrence Martell, Director, Weissman Center for International Business, Baruch College; Gertrud Lenzer, Professor of Sociology and Children's Studies Director, Brooklyn College and The Graduate Center; Jill Poklemba, Senior Policy Analyst, Federation of Protestant Welfare Agencies; Gloria Garcia, Director, SEEK Program, College of Staten Island; Fred Moshary, Professor, City College; Laural Eckhardt, Ph.D., Hesselbach Professor of Biology, Hunter College; Nicholas Kanellopoulos, Vice-Chair, Fiscal Affairs, University Student Senate of CUNY; Ahmed Adil, Vice Chair for International Affairs; Evita Belmonte, University Student Senate of CUNY; Gay Brookes, Professor, Borough of Manhattan Community College; Pengfei Zhang, Associate Professor, City College; Dillonna Corita Lewis, Co-Director, Welfare Rights Initiative, Hunter College; Sara Ogger, Executive Director, New York Council for the Humanities; Rebecca Brown, Deputy Director, New York City Employment and Training Coalition; Joe Antonelli, Student, Stony Brook University; Samantha Bernstein, Student, University at Albany; Karinna Berrospi, Student Suffolk County Community College; Robert Hallock, Vice President, Student Government, Suffolk County Community College; Jennifer Gaboury, Doctoral Student, The Graduate Center; Nancy Medina, Doctoral Student, The Graduate Center; and Sean Murray, The Graduate Center.

## V. OUTLOOK FOR 2009

As the Committee looks ahead to the upcoming 2009 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 2009 session will be to secure financing for the coming fiscal year sufficient to meet the needs of SUNY, CUNY and the independent sector and to support their unique missions. The broader goal of preserving access opportunities to higher education for students all 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. Another priority of the Committee will be to provide capital funding for SUNY and CUNY as well as the independent sector. 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 2009, 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 OR CERTIFIED BY THE BOARD OF REGENTS

|                                   |                                |
|-----------------------------------|--------------------------------|
| Acupuncture                       | Medicine                       |
| Architecture                      | Mental Health Practitioners    |
| Athletic Trainer                  | Midwifery                      |
| Audiology                         | Nurse Practitioners            |
| Certified Dental Assistants       | Occupational Therapy           |
| Certified Dietician               | Occupational Therapy Assistant |
| Certified Interior Design         | Ophthalmic Dispensing          |
| Certified Nutritionist            | Optometry                      |
| Certified Public Accountancy      | Pharmacy                       |
| Certified Shorthand Reporting     | Physical Therapy               |
| Chiropractic                      | Physical Therapy               |
| Clinical Laboratory Practitioners | Physician Assistant            |
| Dental Anesthesia/ Sedation       | Podiatry                       |
| Dentistry                         | Psychology                     |
| Dental Hygiene                    | Public Accountancy             |
| Dietetics and Nutrition           | Registered Nursing             |
| Engineering                       | Respiratory Therapy            |
| Landscape Architecture            | Respiratory Therapy Assistant  |
| Land Surveying                    | Specialist's Assistant         |
| Licensed Practical Nurse          | Social Work                    |
| Massage                           | Speech-Language Pathology      |
| Medical Physician                 | Veterinary Medicine            |
| Medical Physics                   | Veterinary Technology          |

APPENDIX B

2008 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> |
|--|-----------------------|---------------------|--------------------|
|  |                       |                     |                    |
| <b><u>Bills Reported With or Without Amendment</u></b> |                       |                     |                    |
|  |                       |                     |                    |
| To Floor; not returning to Committee                   | 2                     |                     | 2                  |
| To Floor; recommitted and died                         |                       |                     |                    |
| To Ways and Means Committee                            | 15                    |                     | 15                 |
| To Codes Committee                                     | 8                     |                     | 8                  |
| To Rules Committee                                     | 5                     |                     | 5                  |
| To Judiciary Committee                                 |                       |                     |                    |
| Total  | 30                    |                     | 30                 |
|  |                       |                     |                    |
| <b><u>Bills Having Committee Reference Changed</u></b> |                       |                     |                    |
| To Education Committee                                 | 2                     |                     | 2                  |
| Total  | 2                     |                     | 2                  |
| <b><u>Senate Bills Substituted or Recalled</u></b>     |                       |                     |                    |
| Substituted  |                       | 9                   | 9                  |
| Recalled   |                       | 3                   | 3                  |
| Total  |                       | 12                  | 12                 |
|  |                       |                     |                    |
| <b><u>Bills Defeated in Committee</u></b>              |                       |                     |                    |
| <b><u>Bills Never Reported, Held in Committee</u></b>  | 31                    |                     | 31                 |
| <b><u>Bills Never Reported, Died in Committee</u></b>  | 246                   | 36                  | 282                |
| <b><u>Bills Having Enacting Clauses Stricken</u></b>   | 1                     |                     | 1                  |
| <b><u>Motion to Discharge Lost</u></b>                 |                       |                     |                    |
| <b><u>Total Bills in Committee</u></b>                 | 310                   | 48                  | 358                |
|  |                       |                     |                    |
| Total Number of Committee Meetings Held                | 11                    |                     |                    |