

NEW YORK STATE ASSEMBLY

2

0

2

2

Committee On  
Higher Education

Carl E. Heastie • Speaker  
Deborah J. Glick • Chair



ANNUAL REPORT





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

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Higher Education Committee  
Intern Committee

COMMITTEES  
Governmental Operations  
Environmental Conservation  
Rules  
Ways & Means

December 15, 2022

The Honorable Carl E. Heastie, Speaker  
New York State Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Heastie:

On behalf of the members of the Assembly Committee on Higher Education, I respectfully submit to you the Committee's 2022 Annual Report, which highlights our activities over the past year.

The 2022-2023 enacted state budget for higher education provided an additional \$301.9 million in funding for the State University of New York (SUNY) and \$286.8 million for the City University of New York (CUNY) over the Executive's proposal. This increased investment in our public university systems includes \$60 million in additional operating support for each system, as well as additional funding for mental health and nursing programs.

The enacted budget also increased funding for critical opportunity programs by \$6 million over the Governor's proposal, for a total of \$203 million, including: \$43.8 million for the Educational Opportunity Program (EOP); \$38.2 million for the Search for Education, Elevation, and Knowledge (SEEK) Program; \$1.8 million for the College Discovery Program; \$48.3 million for the Higher Education Opportunity Program (HEOP); \$25 million for the Liberty Partnership Program (LPP); \$21.5 million for the Science and Technology Entry Program (STEP); \$16.3 million for the Collegiate-STEP (CSTEP) Program; and \$8.2 million for the Foster Youth College Success Initiative.

The Committee also addressed several pressing legislative issues, including enactment of legislation that: allows the State Education Department to issue a diagnostic privilege to certain mental health practitioners; prohibits institutions of higher education from withholding student transcripts due to a debt owed to the institution; and updates the Clinical Laboratory Technology Practice Act.

Thank you for your leadership and steadfast support of our state's higher education community. I am proud of my fifteenth 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,

A handwritten signature in black ink, appearing to read "Deborah J. Glick". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Deborah J. Glick  
Assemblymember

**2022 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON HIGHER EDUCATION**

**Deborah J. Glick, Chair**

**Committee Members**

**Majority**

Richard N. Gottfried  
Steve Englebright  
Kevin A. Cahill  
Michael J. Cusick  
Donna A. Lupardo  
Al Stirpe  
Patricia A. Fahy  
Jo Anne Simon  
John T. McDonald III  
Rodneyse Bichotte Hermelyn  
Alicia Hyndman  
Harvey Epstein  
Judy A. Griffin  
Karen M. McMahan  
Marianne Buttenschon  
Sarah Clark  
Phara Souffrant Forrest  
Monique Chandler-Waterman

**Minority**

Mark C. Walczyk, *Ranking Member*  
Douglas Smith  
Michael J. Fitzpatrick  
Michael W. Reilly, Jr.  
John J. Salka  
Robert Smullen  
Jarett C. Gandolfo

**Majority Staff**

Maria Volpe-McDermott, Assistant Secretary for Program and Policy  
Ashley Luz, Analyst  
Benjamin Decker, Associate Counsel  
Charles LeDuc, Legislative Director  
Ginnie Farrell, Legislative Analyst & Committee Clerk  
Mary Ellen O'Connor, Program and Counsel Executive Secretary

## **TABLE OF CONTENTS**

<b>I. COMMITTEE JURISDICTION</b>	<b>1</b>
<b>II. HIGHER EDUCATION</b>	<b>2</b>
<b>A. Budget Highlights</b>	<b>2</b>
1. Community Colleges	2
2. SUNY State Operated Colleges and CUNY Senior Colleges	2
3. Independent Colleges and Universities	3
4. Financial Aid/Access Programs	3
<b>B. Legislative Highlights</b>	<b>6</b>
1. Community Colleges	6
2. City University of New York	6
3. State University of New York	6
4. Independent Colleges and Universities	6
<b>III. LICENSED PROFESSIONS</b>	<b>10</b>
A. Highlights	10
<b>IV. PUBLIC HEARINGS</b>	<b>16</b>
<b>V. OUTLOOK FOR 2023</b>	<b>18</b>
<b>APPENDIX A</b>	<b>19</b>
Professions Licensed, Certified or Authorized by the Board of Regents	19
<b>APPENDIX B</b>	<b>21</b>
2022 Summary of Action on all Bills Referred to the Committee on Higher Education	21

## **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 55 professions, which the State Education Department (SED) is charged with licensing and regulating. Through careful consideration of legislation affecting the professions and by monitoring the professional discipline functions of SED and the Department of Health (DOH), 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 2022 Legislative Session.

## **II. HIGHER EDUCATION**

### **A. Budget Highlights**

The 2022-2023 enacted budget included \$20.2 billion in funding for higher education. Notably, the final budget included:

- \$225 million for SUNY and \$173 million for CUNY in additional capital funding;
- \$53 million for SUNY and \$53 million for CUNY to hire additional full-time faculty at four-year colleges and community colleges;
- \$48.8 million for SUNY and \$59.6 million for CUNY to fully reimburse each system and accelerate the planned elimination of the Tuition Assistance Program (TAP) gap by two years; and
- \$15.6 million in start-up funds to expand childcare to all SUNY and CUNY campuses.

The 2022-23 enacted state budget also included provisions that recognize apprenticeship programs as a qualified use of college (529) savings accounts and require SUNY and CUNY to report on faculty hiring. However, the final budget did not include Executive proposals that would allow temporary approval of new programs and curriculum at colleges and universities and prohibit institutions of higher education from withholding transcripts due to a debt.

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

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; 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 impact of declining enrollment at community colleges across the country, the 2022-23 enacted budget included \$416.4 million to SUNY and \$217.2 million to CUNY to increase the funding floor, so that no community college receive less than 100% of the base aid funding that it had received in 2021-22 fiscal year.

The final budget also provided \$2.1 million for SUNY and \$1.7 million for CUNY for existing community college childcare centers. The Executive maintained \$2.5 million in funding for Accelerated Study and Associates Program (ASAP) at CUNY community colleges. ASAP provides qualified students at nine CUNY colleges with a range of academic, financial, and personal supports to help them earn associate degrees within three years.

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

The 2022-23 enacted budget increased support for Educational Opportunity Centers (EOC), providing a total of \$72.6 million in funding. EOCs provide academic and vocational training to

adults to help them obtain the skills and credentials they need to pursue higher education or to secure career-oriented employment. The Legislature also provided \$10 million in capital funding for EOCs.

The Executive maintained funding for the following programs: \$2.7 million for small business development centers; \$6.6 million for graduate diversity fellowships; \$500,000 for Cornell University's College of Veterinary Medicine; \$200,000 for the SUNY Institute for Leadership and Diversity and Inclusion; and \$350,000 for the New York Hispanic Leadership Institute.

The Legislature increased funding for the School of Labor and Urban Studies, formerly known as the Joseph Murphy Institute, by \$1.5 million, for a total of \$5.2 million and provided \$3 million in capital funding. The Legislature also restored \$250,000 for the CUNY Pipeline at the Graduate Center and provided \$350,000 to reinstate the W. Haywood Burns Chair in Human and Civil Rights at CUNY Law School.

The Legislature provided an additional \$1.7 million in funding for Cornell Cooperative Extension (CCE) for a total of \$6.1 million. The increase in funding included a dedicated \$500,000 for CCE-New York City's office and \$1.2 million for CCE's existing programs.

The Legislature also ensured that SUNY and CUNY's nursing and mental health programs received much needed additional funding. This included \$1 million in increased support for each system's nursing programs, for a total of \$3 million for CUNY's expansion of nursing programs and \$2.7 million for SUNY's high need nursing programs. Further, both systems received an additional \$1 million for mental health services, for a total of \$2 million for SUNY and \$2 million for CUNY.

### ***3. Independent Colleges and Universities***

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. Funding for Bundy Aid was restored at the prior year level of \$35.1 million and included a requirement that colleges and universities receiving such aid submit a plan to improve faculty diversity to SED. The budget also included \$45 million for an additional round of the Higher Education Capital (HECap) Matching Grants Program, a \$15 million increase over the Executive's proposal.

### ***4. Financial Aid/Access Programs***

#### Grants

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 have ranged from \$500 to \$5,665 with low-income students receiving larger awards. TAP helps keep college accessible and affordable for students who would otherwise not be able to attend. This year's enacted budget restored TAP eligibility for incarcerated individuals and expanded part-time TAP eligibility. Under the part-time TAP expansion, certain undergraduate students and students enrolled in eligible non-degree workforce credential programs at community colleges will be eligible for awards. The budget funded these two measures at \$5 million and \$150 million, respectively.

Additionally, students who attend a private, not for profit college or university in New York may be eligible for the Enhanced Tuition Award. The program offers eligible students \$6,000 through a combination of their TAP award, the Enhanced Tuition Award, and a matching award from the college or university.

### Scholarships

In 2017, the Legislature established the Excelsior Scholarship, which has allowed qualified New York State residents to attend SUNY or CUNY tuition free. The 2022-23 enacted budget included the Executive's proposal to accelerate, by one year, the reset of the tuition rate that SUNY and CUNY are authorized to receive from the state for the Excelsior Scholarship.

Additionally, the Legislature removed the statutory funding cap on the Senator Patricia K. McGee Nursing Faculty Scholarship, and increased program funding by \$2 million for a total of \$5.9 million. Under the program, registered professional nurses in graduate programs to become nursing faculty are eligible for awards on a competitive basis.

The Legislature also removed the award limitation on the NYS Young Farmers Loan Forgiveness Incentive Program and increased funding for the SUNY Maritime Scholarship by \$1 million, for a total of \$1.2 million.

### Access Programs

Access to higher education has been a long-standing concern of this Committee. Over the years, the Legislature has created programs that 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 ensuring 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 4,900 students through 53 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, 66% of HEOP students graduate within five years of enrolling. There are over 36,000 HEOP alumni. The Legislature increased support for HEOP by \$1.4 million, providing \$48.3 million in funding.

\*The Educational 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 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 provided \$48.3 million in funding for EOP; \$38.2 million for SEEK; and \$1.8 million for College Discovery.

\*The Liberty Partnerships Program (LPP) serves approximately 11,500 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 \$738,000, for a total of \$25 million.

\*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 and CSTEP by \$636,000 for a total of \$21.5 million and \$482,000 for a total of \$16.3 million, respectively.

\*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 underrepresentation of this population in New York State's higher education system. The Legislature accepted the Executive's proposal to maintain funding for post-secondary aid to Native Americans at \$800,000.

\*The Foster Youth College Success Initiative provides support services to assist youth in foster care to apply for, enroll in, and succeed in college by allowing SED to allocate additional funding to expand opportunities through current post-secondary opportunity programs for foster youth. The enacted budget provided a \$241,000 increase for a total of \$8.2 million.

## **B. Legislative Highlights**

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

New York State has 37 public community colleges: 30 within the SUNY system and 7 within the CUNY system. With a Fall 2021 enrollment of approximately 160,516 students at SUNY and 73,031 students at CUNY, 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 has grown into the largest urban public university in the nation. CUNY comprises 25 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 school of public health and health policy, a school of labor and urban studies, a graduate center, and 7 community colleges. Through this network, CUNY provides educational opportunities and skills training to an ethnically and culturally diverse population. As of Fall 2021, CUNY enrolled approximately 243,389 students.

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

The State University of New York is the largest comprehensive 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. As of Fall 2021, SUNY enrolled approximately 370,114 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. The independent colleges and universities of the State enroll approximately 485,500 students. New York not only boasts one of the nation’s largest private

universities, New York University, it also prides itself on numerous outstanding small colleges as well. As of 2019, independent campuses throughout New York State have a collective annual economic impact of \$97.6 billion and employ 432,600 New Yorkers.

### **Expanding the Young Farmer Loan Forgiveness Incentive Program**

**A.1539, Lupardo, Chapter 620 of the Laws of 2022.** This law removes the requirement that applicants must apply to the Young Farmer Loan Forgiveness Incentive Program within two years of graduating college and expands eligibility to individuals who have not farmed for more than ten consecutive years.

### **Ensuring Access to Opioid Antagonists in College Housing**

**A.4485-B O'Donnell, Chapter 580 of the Laws of 2022.** This law requires every SUNY and CUNY campus to train resident assistants to administer opioid antagonists. Additionally, opioid antagonists must be available in all college housing operated or owned by the systems.

### **Ensuring Student Athlete Compensation for Name, Image and Likeness**

**A.5115-E, Solages, Chapter 622 of the Laws of 2022.** This law ensures that collegiate student-athletes can earn compensation as a result of the use of their name, image, or likeness. Under the law, colleges, athletic associations, conferences, groups and organizations are prohibited from preventing a student-athlete from earning compensation as a result of the use of their name, image, or likeness or obtaining professional representation in relation to such usage.

Further, the law provides that a scholarship provided by a college to the student-athlete shall not be deemed compensation, nor shall it be revoked, due to the student-athlete earning compensation for the use of their name, image, or likeness. Athletic programs participating in Division 1 NCAA athletics are also required to provide certain student-athlete assistance programs, such as dedicated financial distress funds, degree completion assistance programs, and access to ongoing mental health support services.

### **Prohibiting the Withholding of Transcripts**

**A.6938-B Epstein, Chapter 180 of the Laws of 2022.** This law prohibits institutions of higher education from withholding student transcripts due to a debt owed to the institution. Under the law, the Department of Financial Services is authorized to enjoin such practices and require an institution found to be in violation of the law to pay a \$500 penalty. The bill also authorizes injured persons to bring forth a private right of action.

### **Prohibiting the Placement of Contingencies on Certain Financial Aid Awards and Loans**

**A.8709 Epstein, Chapter 146 of the Laws of 2022.** This law amends Chapter 573 of 2021 relating to the prohibition on schools placing certain contingencies on financial aid awards or loans to clarify that the prohibition applies to all schools participating in student financial aid programs administered by the Higher Education Services Corporation (HESC).

#### **Amending Provisions Relating to the Private Student Loan Refinance Task Force**

**A.8800 Cruz, Chapter 85 of the Laws of 2022.** This law amends Chapter 774 of the Laws of 2021 relating to the structure of the Private Student Loan Refinance Task Force to increase the number of task force members from eleven to thirteen members and make the Superintendent of Financial Services the task force Chairperson.

#### **Amending Provisions Relating to the New York State Firearm Violence Research Institute**

**A.8846 Simon, Chapter 151 of the Laws of 2022.** This law amends Chapter 595 of the Laws of 2021 relating to the New York State Firearm Violence Research Institute to move the institute from the State Education Department to SUNY, provide the institute with flexibility in appointing a scientific working group, and broaden the scope of the scientific working group's recommendations.

#### **Replacing NY 529 and NY ABLE Program Standards**

**A.9281 Glick, Chapter 414 of the Laws of 2022.** The law replaces certain investment standards for 529 College Choice Tuition Savings Program accounts and 529-a Achieving a Better Life Experience (ABLE) Savings Program accounts with a prudent investor standard.

#### **Ensuring Protections for Students Who Take Certain Actions Against Proprietary Schools**

**A.9391 Glick, Chapter 182 of the Laws of 2022.** This law prohibits any owner, operator, agent or license personnel of a licensed private career school from intimidating, discriminating, retaliating against a student who brings a private right of action against such school or any person who files a written complaint.

#### **Extending Tuition Waivers for Police Officer Students Attending CUNY**

**A.9970 Williams, Chapter 280 of the Laws of 2022.** This law extends for two more years, the tuition waiver program for police officer students attending CUNY. New York City 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.

**Authorizing SUNY Farmingdale to Lease Lands to the Farmingdale State Development Corporation**

**A.9980 Jean-Pierre, Chapter 538 of the Laws of 2022.** This law authorizes SUNY Farmingdale to lease certain lands to the Farmingdale State Development Corporation for the purpose of developing a multi-purpose athletic facility.

**Facilitating the Process for Applying for a Certificate of Residence**

**A.10426 Glick, Chapter 542 of the Laws of 2022.** This law prohibits county clerks from requesting social security numbers from community college enrollees seeking a certificate of residence and allows such enrollees to apply for a certificate of residence electronically.



### **III. LICENSED PROFESSIONS**

#### **A. Highlights**

New York State currently licenses 55 professions under Title VIII of the Education Law. Legislation to license a new profession or 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 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.

This year's Executive budget included several provisions that would modify professions under the Committee's jurisdiction. The final budget included provisions that:

- allow out-of-state and foreign professionals to practice at the Winter World University Games;
- make the Nurse Practitioner Modernization Act permanent;
- remove the requirement that nurse practitioners file written practice protocols with SED until June 30, 2024;
- exempt certain nurse practitioners from requirements related to written practice agreements and collaborative relationships until June 30, 2024;
- authorize pharmacists to direct limited-service laboratories and order and administer COVID-19 and influenza tests authorized by the FDA until June 30, 2024; and
- authorize physicians and nurse practitioners to prescribe and order nonpatient specific regimens to registered nurses for administering COVID-19 and influenza tests until June 30, 2024.

However, the final budget did not include provisions to:

- allow public accountancy firms to have minority ownership of up to 49 percent by individuals who are not licensed as certified public accountants or public accountants and require non-licensee owners to pay an annual \$300 fee to SED;
- authorize New York to join the Interstate Medical Licensure and Nurse Licensure Compacts;
- authorize certain certified nurse aides to administer medications in residential health care facilities;
- authorize physicians, registered nurses, and nurse practitioners to assign individuals to administer tests for COVID-19, influenza, and respiratory syncytial virus (RSV); and

- transfer the supervision of certain professions from SED to the Department of Health.

### **Authorizing Pharmacists to Dispense Certain Self-Administered Hormonal Contraceptives**

**A.1125-A Paulin, Passed Assembly.** This bill would authorize pharmacists to dispense self-administered hormonal contraceptives, including the pill, vaginal ring, and patch pursuant to a non-patient specific regimen from a physician or nurse practitioner.

### **Expanding Employee Stock Ownership Plan (ESOP) Ownership of Design Corporations**

**A.1891-D Lupardo, Chapter 439 of the Laws of 2022.** This law expands design professional corporation ownership by an employee stock ownership plan. Under the law, at least seventy-five percent of the ESOP's voting trustees or committee members must be licensed design professionals.

### **Authorizing Pharmacists to Administer Injections for the Treatment of Mental Health and Substance Use Disorder**

**A.3040-B McDonald, Chapter 802 of the Laws of 2022.** This law would authorize pharmacists to administer long acting injectables for the treatment of mental health and substance use disorders.

### **Requiring Degree-Granting Schools to Report on Certain Information**

**A.3308-B Epstein, Passed Assembly.** This bill would require all degree granting institutions of higher education to biennially report on information such as all tuition costs, student earnings after graduating, and executive compensation.

### **Requiring Veterinarians to Dispense Certain Information**

**A.4978-B Englebright, Chapter 678 of the Laws of 2022.** This law requires veterinarians to provide certain information each time they prescribe, dispense or provide a drug to an animal. This includes information on common reasonably anticipated adverse effects, instructions on proper storage, and directions for use.

### **Authorizing Certain Out-of-State Pharmacies to Send Prescription Drugs to NYS Pharmacies**

**A.5413-A Dinowitz, Veto Memo #176.** This bill would authorize out-of-state pharmacies that are not registered with SED to mail, ship, or deliver prescription drugs or devices to pharmacies in New York in cases of a specific patient need or a declared public health emergency.

### **Enhancing SED's Disciplinary Authority for Licensed Professionals**

**A.5495 Glick, Passed Assembly.** This bill would require licensed professionals to report any conviction of a crime, determination of professional misconduct, or adverse employment action to SED within thirty days and would establish a summary suspension process after a determination that the public health, safety or welfare imperatively requires emergency action against a professional license or registered entity.

### **Authorizing Certain Mental Health Practitioners to Diagnose and Develop Assessment-Based Treatment Plans**

**A.6008 Bronson, Chapter 230 of the Laws of 2022.** This law allows certain mental health counselors, marriage and family therapists, and psychoanalysts, beginning June 24, 2024, to apply to SED for a privilege to diagnose and develop assessment-based treatment plans. Under the law, mental health counselors, marriage and family therapists, and psychoanalysts in approved supervised settings are allowed to continue to diagnose and develop such plans until June 24, 2025.

### **Updating the Profession of Physical Therapy Assistant**

**A.6727-A Zebrowski, Chapter 511 of the Laws of 2022.** This law updates the practice of physical therapist assistant from a credential to a licensed profession.

### **Authorizing Dental Assistants to Place and Remove Temporary Restorations**

**A.7754-C McDonald, Chapter 512 of the Laws of 2022.** This law expands the scope of practice for dental assistants to include the placement and removal of temporary restorations.

### **Requiring Pharmacists to Substitute Interchangeable Biological Products**

**A.8519 Gottfried, Chapter 515 of the Laws of 2022.** This law makes permanent the provision of law that requires pharmacists to substitute an interchangeable biological product (the generic form of a biological product) for a prescribed biological product under certain conditions when a less expensive biological product is available.

### **Expanding the Administration of Anesthesia & Analgesia by Dental Hygienists**

**A.9478-A Lupardo, Chapter 198 of the Laws of 2022.** This law authorizes dental hygienists to administer nitrous oxide analgesia and local infiltration anesthesia in a wider range of dental services.

### **Authorizing Professionals Appointed by the World Triathlon Corporation**

**A.9561 Simpson, Chapter 268 of the Laws of 2022.** This law authorizes certain health care professionals 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 Lake Placid, being held on July 24, 2022.

### **Prohibiting Professional Misconduct Charges Against Certain Health Care Practitioners**

**A.9687-B Rosenthal, L., Chapter 220 of the Laws of 2022.** This law ensures that New York licensed health care practitioners providing reproductive health services within their scope of practice are not subject to professional misconduct solely for providing such reproductive health services to a patient that resides in a state where such services are illegal.

### **Expanding Eligible Dental Residency Programs**

**A.9967 Glick, Chapter 613 of the Laws of 2022.** This law removes the restriction that requires dental residency programs be clinically based to satisfy experience requirements for licensure.

### **Extending the Authorization for Physical Therapy Assistants to Provide Services in Home Care Settings**

**A.9971 Cook, Chapter 281 of the Laws of 2022.** This law extends, for an additional four years, the provisions of law authorizing physical therapy assistants to provide services in home care settings.

### **Authorizing Professionals Appointed by the New York Road Runners**

**A.9972 Clark, Chapter 282 of the Laws of 2022.** This law authorizes certain health care professionals who are licensed in another state, who are in good standing in such state, and who have been appointed by the New York Road Runners, to provide professional services at the following events sanctioned by the New York Road Runners: the New York City Marathon on November 6, 2022; the Brooklyn Half Marathon on May 21, 2022 and a date in May 2023; the Bronx 10 mile on September 18, 2022; the New York City Half Marathon on a date in March 2023; the Staten Island Half Marathon on October 9, 2022; and the Queens 10k on June 18, 2022.

### **Allowing Certified School Psychologists to Conduct Multidisciplinary Evaluations of Preschool Children**

**A.9973 Griffin, Chapter 339 of the Laws of 2022.** This law extends, for an additional two years, the exemption that allows approved multidisciplinary evaluation programs to employ a certified school psychologist to conduct a multidisciplinary evaluation of a preschool child, infant or toddler having, or suspected of having, a disability.

### **Requiring Electronic Instructional Materials for College Students with Disabilities**

**A.9976 Gibbs, Chapter 283 of the Laws of 2022.** This law extends, for an additional three years, the requirement 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 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.

### **Updating the Clinical Laboratory Technology Practice Act**

**A.10162-A Glick, Chapter 446 of the Laws of 2022.** This law creates the profession of histotechnologist, renames the profession of histological technician to histotechnician, and allows applicants seeking SED licensure or certification for various clinical laboratory professions to use national licenses, certifications, and combinations of education and work experience to fulfill education requirements.

### **Exempting Certain Applied Behavioral Analyst Graduates from Licensure Requirements**

**A.10454 Glick, Chapter 641 of the Laws of 2022.** This law allows a graduate of an applied behavioral analysis program in New York to complete supervised experience and/or examination requirements for certification or registration by a national certifying body. Under this law, a supervisor would be required to submit attestation to SED and notify patients whenever services will be provided by a supervised graduate.

### **Amending the Authorization for Summer Camps to Hire Certain Licensed Professionals**

**A.8773 Abinanti, Chapter 142 of the Laws of 2022.** This law amends Chapter 289 of the Laws of 2021 relating to the authorization for children's overnight, summer day, and traveling summer day camps to hire licensed psychologists, social workers, or mental health practitioners to provide mental health services. This law clarifies that emergency medical technicians can continue serving as camp health directors and that authorized professional services can be provided at any time a camp has a valid permit to operate.

**A.9374 Abinanti, Chapter 224 of the Laws of 2022.** This law amends Chapter 289 of the Laws of 2021 relating to the authorization for children’s overnight, summer day, and traveling summer day camps to hire licensed psychologists, social workers, or mental health practitioners to provide mental health services. This law moves the original law’s effective date up to June 1, 2022 from July 16, 2022.



## IV. PUBLIC HEARINGS

### Mental Health Needs of Students at Institutions of Higher Education

November 30, 2022, 10 a.m.  
Hearing Room C  
Legislative Office Building  
Albany

The Assembly Standing Committees on Higher Education and Mental Health convened a joint hearing and received testimony examining the scope of students' mental health needs and the steps campuses are taking to address those needs, including the challenges associated with meeting the demand for mental health services.

Individuals who testified at the hearing include: Commissioner Ann Marie T. Sullivan, New York State Office of Mental Health; Cheryl Hamilton, Student Advocate and Executive Director of Educational Opportunity Programs, SUNY; Tamara Frazier, Deputy Chief Operating Officer, SUNY; Julie Maio, Assistant Director for Student Mental Health and Wellness, SUNY; Denise B. Maybank, Vice Chancellor for Student Affairs, CUNY; Frederick Kowal, President, United University Professions; James Davis, President, Professional Staff Congress; Alithia Rodriguez-Rolon, Director of Legislation, NYSUT; Lola Brabham, President, Commission on Colleges & Universities; Samantha Carroll, Executive Director of Policy, SUNY Student Assembly; Joshua Chan, Deputy Director of Government Relations, SUNY Student Assembly; Salimatou Doumbouya, Chairperson, University Student Senate CUNY; John Richter, Director of Public Policy, Mental Health Association in New York State (MHANYS); Sally Dear-Healey, Executive Director, NYS Conference—American Association of University Professors (NYSC-AAUP); Victoria Lu, Youth Council Co-Coordinator, Goddard Riverside; Dale Mcenany, Youth Council Co-Coordinator, #DegreesNYC; and Dumaine Williams, Vice President for Student Affairs & Dean of the Early Colleges, Bard College.

Testimony from the hearing emphasized the critical need to enhance mental health supports at institutions of higher education. Testifiers cited data and personal experience to relay the prevalence of mental health problems experienced not just by students, but by staff and faculty as well. These individuals experience stressors both on-campus and off-campus, and unfortunately, the COVID-19 pandemic has exacerbated those challenges. A study published by the *Journal of Urban Health* on the impact of the COVID-19 pandemic on CUNY students showed that half of students reported anxiety or depression and an increased need for mental health services because of the COVID-19 pandemic.

Witnesses provided the following recommendations to ensure mental health needs are addressed on campuses, including: funding the hiring of additional mental health counselors; expanding peer support services; expanding food pantry resources; enhancing supports and services for students with disabilities; providing mental health resources and training for faculty; providing additional

supports for students pursuing careers in mental health fields; and increasing mental health literacy across campuses.

## V. OUTLOOK FOR 2023

As the Committee looks ahead to the upcoming 2023 Legislative Session, many of the traditional goals relative to higher education and the professions will continue to be a priority.

Foremost among the Committee's priorities for the 2023 session will be to secure funding during the upcoming fiscal year that is sufficient to meet the needs of SUNY, CUNY and the independent sector. This is especially crucial in the wake of enrollment declines at our public university systems, a nationwide trend. We will also continue to fight for funding for access programs and promote the recognition of these highly successful educational services to assist more students in realizing their higher education aspirations. As always, the Committee will continue to focus on financial aid, including TAP, and ensure the availability of such assistance 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 2023, the Committee will also address several important legislative issues. Among these will be measures relating to the licensed professions overseen by SED's Office of the Professions, especially initiatives aimed at preserving the integrity of the individual professions and ensuring that professional competence translates into increased public protection and safety. In addition, 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	Mental Health Practitioners
Applied Behavior Analysis	<ul style="list-style-type: none"> <li>● Creative Arts Therapist</li> </ul>
<ul style="list-style-type: none"> <li>● Licensed Behavior Analysts</li> </ul>	<ul style="list-style-type: none"> <li>● Marriage and Family Therapist</li> </ul>
<ul style="list-style-type: none"> <li>● Certified Behavior Analyst Assistants</li> </ul>	<ul style="list-style-type: none"> <li>● Mental Health Counselor</li> </ul>
Architecture	<ul style="list-style-type: none"> <li>● Psychoanalyst</li> </ul>
Athletic Training	Midwifery
Audiology	Nursing
Certified Shorthand Reporting	<ul style="list-style-type: none"> <li>● Registered Professional Nurse</li> </ul>
Chiropractic	<ul style="list-style-type: none"> <li>● Nurse Practitioner</li> </ul>
Clinical Laboratory Technology	<ul style="list-style-type: none"> <li>● Clinical Nurse Specialist</li> </ul>
<ul style="list-style-type: none"> <li>● Clinical Laboratory Technologist</li> </ul>	<ul style="list-style-type: none"> <li>● Licensed Practical Nurse</li> </ul>
<ul style="list-style-type: none"> <li>● Cytotechnologist</li> </ul>	Occupational Therapy
<ul style="list-style-type: none"> <li>● Clinical Laboratory Technician</li> </ul>	<ul style="list-style-type: none"> <li>● Occupational Therapist</li> </ul>
<ul style="list-style-type: none"> <li>● Certified Histological Technician</li> </ul>	<ul style="list-style-type: none"> <li>● Occupational Therapy Assistant</li> </ul>
Dentistry	Ophthalmic Dispensing
<ul style="list-style-type: none"> <li>● Dentist</li> </ul>	Optometry
<ul style="list-style-type: none"> <li>● Dental Anesthesia/Sedation</li> </ul>	Perfusion
<ul style="list-style-type: none"> <li>● Dental Hygienist</li> </ul>	Pharmacy
<ul style="list-style-type: none"> <li>● Certified Dental Assistant</li> </ul>	Registered Pharmacy Technician
Dietetics and Nutrition	Physical Therapy
Engineering	<ul style="list-style-type: none"> <li>● Physical Therapist</li> </ul>
Geology	<ul style="list-style-type: none"> <li>● Physical Therapist Assistant</li> </ul>
Interior Design	Podiatry
Land Surveying	Polysomnographic Technician
Landscape Architecture	Psychology
Massage Therapy	Public Accountancy
Medical Physics	<ul style="list-style-type: none"> <li>● Certified Public Accountant</li> </ul>
Medicine	<ul style="list-style-type: none"> <li>● Public Accountant</li> </ul>
<ul style="list-style-type: none"> <li>● Physician</li> </ul>	Respiratory Therapy
<ul style="list-style-type: none"> <li>● Physician Assistant</li> </ul>	<ul style="list-style-type: none"> <li>● Respiratory Therapist</li> </ul>
<ul style="list-style-type: none"> <li>● Specialist's Assistant</li> </ul>	<ul style="list-style-type: none"> <li>● Respiratory Therapy Technician</li> </ul>
Social Work	Veterinary Medicine

• Licensed Master Social Worker	• Veterinarian
• Licensed Clinical Social Worker	• Veterinary Technician
Speech-Language Pathology	

**APPENDIX B**

**2022 SUMMARY SHEET**

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

	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total Bills</u></b>
<b><u>Bills Reported Favorable To:</u></b>			
Codes	3	0	3
Judiciary	0	0	0
Ways and Means	9	0	9
Rules	6	0	6
Floor	14	0	14
<b><u>TOTAL:</u></b>	32	0	32
<b><u>Committee Action</u></b>			
Held for Consideration	20	0	20
Defeated	0	0	0
Enacting Clause Stricken	15	0	15
<b><u>Remaining in Committee</u></b>	320	38	358
<b><u>Bills Reference Changed:</u></b>			
Codes	0		
Ways and Means	8		
Total Number of Committee Meetings Held	7		