



New York State Senate Standing Committee on Higher Education

Senator Toby Ann Stavisky

Chair



Senator Andrea Stewart-Cousins
President Pro Tempore
NYS Senate Majority Leader

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TOBY ANN STAVISKY
Senator, 16th District

**VICE CHAIRWOMAN
SENATE MAJORITY**

CHAIRWOMAN
COMMITTEE ON HIGHER EDUCATION

COMMITTEE MEMBER
EDUCATION
ETHICS AND INTERNAL GOVERNANCE
FINANCE
RACING, GAMING AND WAGERING

December 2022

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Higher Education for the 2022 Legislative Session. As Chairwoman, I am proud to continue to lead our efforts to address important matters under the committee's jurisdiction. The committee remains committed to supporting New York's higher education sector, as well as its oversight of professions licensed or seeking licensure by the state education department.

During the 2022 session, the committee met virtually six times and reported seventy bills out of the committee. Fifty of those bills passed the Senate and twenty-two passed in both houses. Of the twenty-two bills that passed both houses, twenty-one have been chaptered and one vetoed. These bills will improve campus life for all students, assist professionals in completing tasks and a campus' growth.

I want to thank my colleagues who served on the Committee for their efforts and support of the work that was done this year.

Sincerely yours,

A handwritten signature in blue ink that reads "Toby Ann Stavisky".

Toby Ann Stavisky
Senator, 16th District

**2022 LEGISLATIVE SESSION REPORT
NEW YORK STATE SENATE**

STANDING COMMITTEE ON HIGHER EDUCATION

Senator Toby Ann Stavisky, Chairwoman

Committee Members

Majority

**Senator Jeremy A. Cooney
Senator James F. Gaughran
Senator Andrew S. Gounardes
Senator Robert Jackson
Senator John Liu
Senator Kevin S. Parker
Senator Gustavo Rivera**

Minority

**Senator Phil Boyle
Ranking Member
Senator Joseph A. Griffo
Senator Peter Oberacker**

Committee Staff

**Jan Dorman – Director
Nicole Stewart – Senior Counsel
Beth LaMountain – Committee Clerk
Marilyn Dyer – Executive Assistant**

COMMITTEE JURISDICTION

The New York State Senate Standing Committee on Higher Education has legislative responsibility for the review and development of legislation addressing postsecondary education for New York State. This includes legislation dealing with the professions licensed by the State Education Department.

The committee's jurisdiction, therefore, covers a broad range of areas including maintaining the quality and affordability of New York's public, independent and proprietary institutions, continuing the state's long tradition of providing student financial aid programs, and providing institutional aid to all sectors of higher education. In addition, the committee plays a key role in program quality, access and opportunities for professional education, encourages academic and private sector cooperation, promotes research, and facilitates elementary and postsecondary partnerships. Furthermore, the committee is deeply involved with the process by which practitioners acquire, demonstrate and maintain professional skills. Another component of the committee's work is to consider change and expansion to the scope of practice of the state's professions licensed by the State Education Department (SED), as well as to consider the licensure of newly created professions.

Another important responsibility of the committee is to consider gubernatorial and mayoral nominations to the various boards, task forces and work groups within the higher education community including the City University of New York (CUNY) and the State University of New York (SUNY).

COMMITTEE HIGHLIGHTS

Through a series of six committee meetings, the committee reviewed two hundred and seventy-five bills with seventy being reported out of the committee. Fifty of those bills passed the Senate, and twenty-two passed both houses. Of the twenty-two bills that passed both houses, twenty-one have been chaptered and one vetoed. The following significant bills were acted on by the committee in 2022:

- S.6529 (Stavisky) - Chapter 182 of 2022. This bill prohibits discrimination, intimidation and retaliation against students of proprietary schools who file a written complaint or exercise their right of private action against a proprietary school.
- S.3448 (Hinchey) - Chapter 580 of 2022. This bill requires life saving overdose prevention medicine be in SUNY & CUNY campus housing.
- S.9079B (Kaplan) - Chapter 220 of 2022. Prohibits professional misconduct charges against health care practitioners for providing reproductive health services to patients who reside in states where such services are illegal. This legislation would protect applicants seeking licensure in New York from being denied licensure, in the case where the applicant was subject to disciplinary action in another state, solely based on performing an abortion, in such cases, the applicant would not be denied licensure.
- S.8994A (Stavisky) - Chapter 542 of 2022. This bill relates to certificates of residence required of community college enrollees. Under Executive Order 202.11 during the COVID-19 pandemic, students were able to obtain these certificates via electronic means. This legislation would allow students to continue to be able to apply for certificates of residence in person or online.
- S.9449 (Brouk) - Chapter 230 of 2022. This bill requires clinical education for certain mental health practitioners and other mental health professionals. This bill ends a 22-year cycle of legislation and expands the scope of practice of mental health counselors, marriage and family therapists, and psychoanalysts, allowing them to diagnose and develop treatment plans.

A complete list of all chaptered bills and a summary of committee activity is provided at the end of this report.

Two House Bills

In 2022, twenty-two of the two hundred and seventy five bills referred to the Standing Committee on Higher Education passed both houses of the Legislature. Of the twenty-two bills that passed both houses, twenty-one have been chaptered and one vetoed.

Bill	Sponsor	Summary	Action
S3448A	HINCHEY	Relates to opioid overdose prevention in college housing	SIGNED, CHAPTER #580
S4082	HINCHEY	Relates to eligibility under the New York state young farmers loan forgiveness incentive program	SIGNED, CHAPTER #620
S4870B	BRESLIN	Relates to the definition of the practice of pharmacy	SIGNED CHAPTER #802
S5663A	KENNEDY	Allows patients up to ten visits with an occupational therapist without a referral from a physician or nurse practitioner	SIGNED, CHAPTER #601
S5891F	PARKER	Relates to enacting the “New York collegiate athletic participation compensation act”	SIGNED, CHAPTER #622
S6529	STAVISKY	Prohibits discrimination, intimidation and retaliation against students of proprietary schools who file a written complaint or exercise their right of private action against a proprietary school EFF. DATE 05/04/2022	SIGNED, CHAPTER #182
S6694B	HARCKHAM	Relates to infiltration anesthesia and nitrous oxide analgesia in the practice of dental assisting EFF. DATE 05/09/2022	SIGNED, CHAPTER #198
S7020B	RIVERA	Relates to requirements for certain clinical laboratory practitioners EFF. DATE 07/21/2022	SIGNED, CHAPTER #446
S8465	RIVERA	Makes permanent certain provisions of law relating to the interchangeable biological products EFF. DATE 08/17/2022	SIGNED, CHAPTER #515
S8533A	HARCKHAM	Relates to infiltration anesthesia and nitrous oxide analgesia in the practice of dental assisting EFF. DATE 08/17/2022	SIGNED, CHAPTER #512
S8746	STAVISKY	Relates to physical therapist assistants EFF. DATE 08/17/2022	SIGNED, CHAPTER #511

S8808	STAVISKY	Relates to dental residencies qualified for licensure	SIGNED, CHAPTER #613
S8843A	STAVISKY	Extends the effectiveness of provisions of law relating to physical therapy assistants EFF. DATE 06/30/2022	SIGNED, CHAPTER #281
S8859	BROOKS	Authorizes the state university of New York at Farmingdale to lease certain lands to the Farmingdale state development corporation EFF. DATE 08/17/2022	SIGNED, CHAPTER #538
S8945	STAVISKY	Extends certain provisions of law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities EFF. DATE 06/30/2022	SIGNED, CHAPTER #283
S8988	GOUNARDES	Extends certain tuition waivers for police officer students of the city university of New York EFF. DATE 06/30/2022	SIGNED, CHAPTER #280
S8994A	STAVISKY	Relates to certificates of residence required of community college enrollees EFF. DATE 08/17/2022	SIGNED, CHAPTER #542
S9079B	KAPLAN	Prohibits professional misconduct charges against health care practitioners for providing reproductive health services to patients who reside in states where such services are illegal EFF. DATE 06/13/2022	SIGNED, CHAPTER #220
S9129	GOUNARDES	Extends certain provisions of law relating to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY EFF. DATE 06/30/2022	SIGNED, CHAPTER #291
S9402	STAVISKY	Relates to requirements for licensure and certification of applied behavior analysts	SIGNED, CHAPTER #641
S9448	BROUK	Relates to exceptions from registration requirements for nonresident pharmacies in certain cases	VETOED MEMO.176
S9449	BROUK	Relates to required clinical education for certain mental health practitioners and other mental health professionals EFF. DATE 06/24/2022	SIGNED, CHAPTER #230

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Action
S485A	KRUEGER	Requires certain health care providers to disclose the fact that the provider is on probation to current and new patients.	Passed Senate
S552A	MAYER	Relates to tuition assistance program awards for dual or concurrent enrollment coursework; awards dual or concurrent enrollment program awards for payment annually to school districts in which dual or concurrent enrollment programs are located.	Passed Senate
S1137	LIU	Relates to observance of all religious holidays by institutions within the state university and the city university of New York, and includes the Asian Lunar New Year within the definition of such holidays.	Passed Senate
S1352	SERRANO	Requires cultural awareness and competence training for medical professionals, including two hours of course work encompassing minority healthcare issues.	Passed Senate
S1407A	PARKER	Establishes the interagency task force on health literacy, to study health literacy and develop recommendations for improving health literacy in this state.	Passed Senate
S2019	JACKSON	Makes technical corrections to the practice of podiatry	Passed the Senate
S2023C	MAY	Relates to the licensure of athletic trainers; adds athletic trainers to the list of persons and officials required to report cases of suspected child abuse or maltreatment	Passed the Senate
S2025B	MAY	Permits certain registered pharmacy technicians assisting in home infusion services through a home care agency to assist a licensed pharmacist in preparing prescriptions	Passed the Senate
S2204	MAY	Relates to the supervision of the manufacturing and repacking of certain medical gases or wholesaling of respiratory therapy agents	Passed the Senate
S2764	STAVISKY	Standardizes the tuition assistance award schedules for dependent students at degree granting colleges in the state	Passed the Senate
S2765	STAVISKY	Standardizes the tuition assistance award schedules for independent students at degree-granting colleges in the state.	Passed the Senate
S2778	STAVISKY	Mandates that no employee or officer of the university shall determine the specific	Passed the Senate

		details of a student's immigration status except when required by federal law, pursuant to a court order or as required in connection with tuition or financial aid eligibility	
S3330	RIVERA	Allows certified dietitians and nutritionists to order therapeutic diets	Passed the Senate
S3448A	HINCHEY	Relates to opioid overdose prevention in college housing; requires training of residence assistants in the administration of opioid antagonists	CHAPTER #580
S3542	STAVISKY	Relates to the practice of professional geology	Passed the Senate
S3686	FELDER	Permits persons 65 years of age to enroll in a limited number of state university and city university courses for credit without tuition	Advanced to Third Reading
S3763A	PERSAUD	Provides for the licensing of vision impairment specialists	Passed the Senate
S4082	HINCHEY	Relates to the eligibility under the New York state young farmers loan forgiveness incentive program; expands program to farmers who have produced agricultural products for no more than ten years	CHAPTER #620
S4221	STAVISKY	Relates to certified public accountants; requires that a majority of the ownership of a professional service corporation formed to lawfully engage in the practice of public accountancy are individuals licensed to practice public accountancy in some state; enacts similar provisions for partnerships and LLCs.	Passed the Senate
S4247A	SKOUFIS	Permits the compounding, dispensing and sale of pharmaceuticals to veterinarians	Advanced to Third Reading
S4347B	BROUK	Provides for the licensure of school psychologists; authorizes the use of the title "school psychologist" to licensed or exempt individuals; defines practice of school psychology; sets forth requirements for professional licensure (including educational attainment, experience, exam and fee); provides for issuance of limited permits under specified circumstances; identifies exempt persons.	Passed the Senate
S4449	STAVISKY	Requires the higher education service corporation to make a determination of financial eligibility of a student for financial aid, awards and loans within 60 days from the day of the receipt of the financial aid application; where the higher education	Passed the Senate

		services corporation fails to make a timely determination the applicant shall be deemed eligible for such aid for the semester for which the application was made; allows for a 30 day extension if notice is given to the educational institution with the initial 60-day period	
S4870B	BRESLIN	Relates to the definition of the practice of pharmacy	Approval Memo.87
S4972B	STAVISKY	Excludes certain graduate students from mandatory fees	Reported to Finance
S5355A	BRESLIN	Provides for the licensing of genetic counselors; creates the state board for genetic counseling.	Passed the Senate
S5301B	BROUK	Requires clinical experience for certain mental health practitioners and other mental health professionals; allows such practitioners to make assessment based treatment plans; makes related provisions	Advance to Third Reading
S5489	BROUK	Permits an exception from registration for nonresident pharmacies in cases of a specific patient need or a declared public health emergency under certain conditions	Passed the Senate
S5663A	KENNEDY	Allows patients to receive certain treatment by an occupational therapist without a referral from a physician or nurse practitioner; requires the occupational therapist to inform the patient of certain potential insurance issues; relates to eliminating the need for referrals for certain treatment under coverage provided by certain motor vehicle insurance policies	CHAPTER #601
S5891F	PARKER	Relates to enacting the "New York collegiate athletic participation compensation act"; allows student-athletes to receive compensation including for the use of a student's name, image or likeness; allows student-athletes to seek professional representation; establishes the community college athlete name, image and likeness-working group.	CHAPTER #622
S6393	REICHLIN-MELNICK	Relates to the substitution of brand name epinephrine auto-injectors with alternate epinephrine auto-injectors in certain cases	Passed the Senate
S6399	HARCKHAM	Provides that a dental hygienist shall not administer local block anesthesia without a certificate and except under the personal supervision of a dentist and in conjunction with the performance of dental hygiene procedures authorized by law and in	Passed the Senate

		accordance with regulations promulgated by the commissioner.	
S6517	STAVISKY	Enhances supports and services for student with disabilities for postsecondary success starting in the 2021-2022 academic year; funds shall be appropriated proportionally for each student with a disability enrolled in an institution of higher education	Passed the Senate
S6518	STAVISKY	Grants access to patient or client records for the Board of Professional Medical Conduct for the purpose of investigation and prosecution of professional licensing and misconduct proceedings.	Passed the Senate
S6529	STAVISKY	Prohibits discrimination, intimidation and retaliation against students of proprietary schools who file a written complaint or exercise their right of private action against a proprietary school.	CHAPTER #182
S6592	STAVISKY	Relates to the registration of new curricula or programs of study offered by a not-for-profit college or university; provides for the procedures to have such curricula or programs of study approved by the department of education	Passed the Senate
S6694B	HARCKHAM	Relates to infiltration anesthesia and nitrous oxide analgesia in the practice of registered dental assisting; authorizes dental assistant to place and remove temporary restorations under the supervision of a licensed dentist.	CHAPTER #198
S6717A	STAVISKY	Allows for at least one-third of required clinical training and competency for licensing as a registered professional nurse, licensed practical nurse, and nurse practitioner to be completed through simulation experience	Passed the Senate
S6882	BROUK	Requires coursework in the area of diversity, equity and inclusion as part of continuing education requirements for the profession of psychology.	Passed the Senate
S7020B	RIVERA	Relates to requirements for certain clinical laboratory practitioners; includes certain acceptable types of education for clinical laboratory technologists, cytotechnologists, clinical laboratory technicians, histotechnologists and histotechnicians; outlines requirements for certification as a histotechnician	CHAPTER #446

S7383	STAVISKY	Relates to qualifications for certain appointed positions with the board of trustees for the state university and the city university of New York	Passed the Senate
S7659	KAPLAN	Requires the state university of New York and the city university of New York to adopt certain provisions related to student mental health such as administering student mental health surveys, establishing a mental health committee, administering mental health training to faculty and staff, and improving university policies regarding mental health	Advanced to Third Reading
S7684	MAY	Relates to funds concerning state university health care facilities; prohibits the use of such funds for payment of certain debts related to the state university health care facility	Referred to Finance
S7914	LIU	Requires colleges, universities, professional, proprietary and graduate schools to provide written notice to all students of the institutions tuition liability policy	Passed the Senate
S7916B	STAVISKY	Increases the income eligibility threshold for th tuition assistance program	Passed the Senate
S8169	GOUNARDES	Authorizes and directs the commissioner of education to conduct a study on food insecurity at public and private higher education institutions	Advanced to Third Reading
S8465	RIVERA	Makes permanent certain provisions of law relating to interchangeable biological products	CHAPTER #515
S8533A	HARCKHAM	Relates to the practice of dental assisting	CHAPTER #512
S8746	STAVISKY	Relates to physical therapist assistants; establishes that physical therapist assistants shall be licensed	CHAPTER #511
S8808	STAVISKY	Removes the requirement that post-doctoral general practice or specialty dental residency program experience required for licensure as a dentist needs to be clinically-based	CHAPTER #613
S8843A	STAVISKY	Extends certain provisions relating to the provision of physical therapy assistant services by physical therapy assistants	CHAPTER #281
S8859	BROOKS	Authorizes the state university of New York at Farmingdale to lease certain lands to the Farmingdale state development corporation	CHAPTER #538

S8945	STAVISKY	Extends certain provisions of law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities	CHAPTER #283
S8988	GOUNARDES	Extends certain tuition waivers for police officer students of the city university of New York to 2024	CHAPTER #280
S8994A	STAVISKY	Provides for the electronic submission of certificates of residence by community college enrollees	CHAPTER #542
S9079B	KAPLAN	Prohibits professional misconduct charges against health care practitioners on the basis that such health care practitioner, acting within their scope of practice, performed, recommended or provided reproductive health care services for patient who resides in a state where in such reproductive health services are illegal	CHAPTER #220
S9129	GOUNARDES	Extends certain provisions of law relating to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY	CHAPTER #291
S9172	COMRIE	Renames the state aid for certain independent institutions of higher learning to the Leonard P. Stavisky student success grants	Passed the Senate
S9402	STAVISKY	Relates to requirements for licensure and certification of applied behavior analysts	CHAPTER #641
S9448	BROUK	Permits an exception from registration for nonresident pharmacies in cases of a specific patient need or a declared public health emergency under certain conditions	VETOED MEMO.176
S9449	BROUK	Requires clinical experience for certain mental health practitioner and other mental health professionals; allows such practitioners to make assessment-based treatment plans;	CHAPTER #230



Annual Report 2022

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Committee on Higher Education**