

NEW YORK STATE DEPARTMENT OF HEALTH
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
COMMITTEE ON CODES, REGULATIONS AND LEGISLATION MEETING
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ESP, CONCOURSE LEVEL, MEETING ROOM 6 ALBANY
TRANSCRIPT

Mr. Holt Good morning. I'm Tom Holt. I am the Chair of the committee on Codes, Regulations and Legislation. I have the privilege to convene the Codes Committee and welcome members, participants, and observers. I just want to warn folks that we're working with the Commissioner's schedule. If he shows up, we will suspend this meeting, go to the Commissioner report, and then come back to wherever we may be at that point in time. I'd like to remind council members, staff, and the audience that this meeting is subject to the Open Meeting Law and is broadcast over the internet. The webcasts are accessed at the Department of Health's website. The On Demand webcast will be available no later than seven days after the meeting for a minimum of thirty days, and then a copy will be retained by the department for four months. There are some suggestions or ground rules to follow to make this meeting more successful. Because there is synchronized captioning, it's important that people do not talk over one another. Captioning cannot be correctly done with two people speaking at the same time. The first time you speak, please state your name and briefly identify yourself as a council member or DOH staff. This will be of assistance to the broadcast company who's recording this meeting. Please note that the microphones are hot microphones, meaning that they pick up every sound. I therefore ask that you avoid rustling papers next to the microphone and also be sensitive about the personal conversations or sidebars as the microphones can pick up this chatter. As a reminder for our audience, there is a form that needs to be filled out before you enter this meeting room, which records your attendance at the meetings. It's required by the Commission on Ethics and Lobbying and Government and is in accordance with Executive Law Section 166. The form is also posted on the Department of Health's website under Certificate of Need. So, in the future, you can fill out this form prior to council meetings. Appreciate your cooperation in fulfilling our duties as prescribed by law. At this point, we don't have anybody signed up to speak, is my understanding, but if we do have speakers, you'll need to limit your comments to three minutes or less. Only one presenter per organization. Be prepared to deliver your comments properly. This morning, there are two regulations on the agenda for today. For adoption, we have the amendment to Section 405.45 of Title X, Trauma Centers Nurse Reviewer.

Mr. Holt Can I have a motion for a recommendation of adoption of this regulation to the full Public Health and Health Planning Council?

Mr. Holt Dr. Watkins.

Mr. Holt Need a second.

Mr. Holt Mr. Kraut, thank you.

Mr. Holt Mr. Ryan Greenberg and Ms. Kazmi from the department are available and will provide us with information on this proposal.

Mr. Greenberg Good morning. My name is Ryan Greenberg. I am the Director of the Division of State EMS. We are here related to the trauma regulations related to the removal of the nurse reviewer after the initial verification visit. This has gone out. It's gone out for public comment. Public comment closed on March 31st, 2025. There were only positive comments that came back. There are no revisions or changes that need to be made after that. We are here and happy to take any comments or questions that have come forward.

Mr. Holt Thank you, Mr. Greenberg.

Mr. Holt Do we have comments or questions from members of the committee or council?

Mr. Holt We have no one here to speak on this as I understand it.

Mr. Holt With that, I'll go ahead and call the vote.

Mr. Holt All in favor?

All Aye.

Mr. Holt Any opposed?

Mr. Holt Abstentions?

Mr. Holt And then that motion carries.

Mr. Holt This regulation now goes to the full council for adoption.

Mr. Holt Next item on the agenda is for information only. It's the amendment of Section 405.4 of Title 10, the twelve-week rule for foreign medical school graduates and limited permit allowances. This regulation is being permitted to the committee for information-only and will be presented to this committee and the full Public Health and Health Planning Council for adaption at a later date. We have Ms. Jackie Sheltry and Jonathan Karmel from the department are available and will provide us with information on this proposal.

Ms. Sheltry Good morning. This is Jackie Sheltry from the Department of Health. This regulation does two things to Title X. First, it amends Section 405.4F of Title X at first to remove an outdated reference to the State Education Law, but more principally to add a new clause to provide that medical school graduates may have completed more than

twelve weeks of their clinical clerkships outside the medical school country, which is referred to as our twelve week rule, if the foreign medical school graduate completed their residency approved by ACGME or AOA and is eligible to complete a post-graduate fellowship in the United States. The Department of Health, I will add, worked closely with associations, including Greater New York, as well as COGME, on this rule amendment based on their suggestion that it would help resolve a limited pool of medical school fellowship candidates, in order to increase the availability of medical school graduates to participate in those competitive fellowships. The second aspect of this regulation is to amend section 405.4G of Title X, which would at first remove a reference to an exchange program that no longer is in effect, and principally to add a new subparagraph 2l to add physicians practicing under a limited permit practice under the limited permit in an Article 28 general hospital if they are directly employed by the public hospital and supervised akin to a resident. For the purposes of this regulation, the Department of Health is defining a public hospital as a general hospital operated by a county, a municipality, or a public benefit corporation. With that, I welcome any questions on this regulation.

Mr. Holt Thank you, Ms. Sheltry.

Mr. Holt Questions from the members of the committee or council?

Dr. Soffel Hi. I'm sorry, Jackie. I don't understand what you just said. Can you say it in more layperson's terms? Because I heard the words and I read the words, and I still sort of don't get the intent. What's the motive behind these changes?

Ms. Sheltry Sure.

Ms. Sheltry Holistically, looking at both regulations and then slightly plainer speak, one of the regulations deals with what the Department of Health refers to as the twelve-week rule, which limits where or the number of medical school graduates that can be trained in New York State, depending on the amount of time they spent doing a clinical clerkship outside the country in which their medical school was located. Altogether, that's the twelve-week rule. The second rule that's being amended is what we call our Limited Permit Rule, which is really controlled by the State Department of Education and controls for New York State or for the Department of Health purposes, where a limited permit holder issued by the state education department can practice, including the conditions in which they can practice in a general hospital. Those are the two kind of buckets that we're dealing with. Holistically, we're looking at these regulations together in consultation with stakeholders, including, like I said, at COGME in Greater New York as well as the State Education Department, we've had many conversations with our partners, our colleagues over there, in order to try to address in small part the physician shortage in New York State. We're looking at ways that we can safely put guardrails around medical school graduates practicing in New York State hospitals. With the twelve-week rule component that's looking at where medical graduates can participate in post graduate fellowship. Again, trying to increase the pool of candidates that can compete in those competitive fellowship programs. With the second bucket, that is a

limited permit, increasing the pool of medical school graduates, quite often, who are holding limited permits and where they can practice by expanding their ability to practice in public hospitals. Hopefully, that helps.

Dr. Soffel Thank you.

Ms. Sheltry You're welcome.

Dr. Soffel Do we have a sense of how many medical graduates this is going to affect in terms of... I mean, if the intent behind it is to increase the physician supply, what proportion of the New York State physicians being trained are FMGs, and or what percentage could become in the future? What's the magnitude of these changes? That's really my question.

Ms. Sheltry Yeah, that's a really fair question. I don't think anyone in the department can really put that in a quantitative number. All I will say is that both of these were encouraged by the industry, and so they're recognizing it on a hospital level or a system level basis as potentially allowing them to increase their pool of candidates. I can say there's going to be 100 people or 1,000 people added in New York State to that. We're really relying on the industry at this point in time, again, in collaboration with our State Education Department to create those safeguard rails in order to see what happens.

Mr. Kraut There are about 113,000 licensed physicians in New York. 40% of them are international medical graduates. What this is doing is there's a large number of New Yorkers that are also going into medical school that graduate from foreign medical schools that allow them to go in there. Hospitals like H&H and a lot of safety net hospitals have a lot of these rotations. This gives us the legal basis to essentially permit them to practice completing their training both here and outside of the country.

Ms. Sheltry Thank you, Jeff.

Mr. Holt Thank you.

Mr. Holt Other questions from the committee or the council?

Mr. Holt We still have no one from the public who has signed up to speak.

Mr. Holt This regulation will go to the full council for information later today.

Mr. Holt With that, I will close this morning's meeting of Codes, Regulations and Legislation.

Mr. Kraut Thank you so much.