

1971-1972 Regular Sessions

SENATE — ASSEMBLY

(Prefiled)

January 6, 1971

IN SENATE—Introduced by Messrs. LAVERNE, BRONSTON, DUNNE, B. C. SMITH—read twice and ordered printed, and when printed to be committed to the Committee on Education

IN ASSEMBLY—Introduced by Mrs. C. E. COOK—Multi-Sponsored by—Messrs. BURROWS, HARWOOD, PISANI—read once and referred to the Committee on Education

AN ACT

== To amend the education law, the civil practice law and rules, ~~Not~~ in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law

Compared by 8/11/71 **APPROVED** 1/13/71
1971

Approved _____

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Telegram

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 GOVERNOR NELSON A ROCKEFELLER
 ALBANY NY

S 350

ON BEHALF OF THE MORE THAN 78,000 MEMBERS OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS I STRONGLY URGE YOU TO VETO SENATE BILL 350 AND ASSEMBLY BILL 359. IN VETOING SIMILAR LEGISLATION LAST YEAR YOU WISELY NOTED THAT IT HAD MOVED BEYOND THE ORIGINAL INTENT TO SIMPLIFY THE LAW AND CONTAINED "UNDESIRABLE SUBSTANTIVE CHANGE." THE NEW LEGISLATION IS DEFECTIVE FOR THE SAME REASON. IT INCORPORATES A NUMBER OF OBJECTIONABLE FEATURES--INCLUDING A PROVISION FOR A BROAD WAIVER OF THE UNIFORM CPA EXAMINATION. THIS WOULD NOT ONLY BE A GRAVE DISSERVICE TO THE PUBLIC WHICH IS ENTITLED TO THE PROTECTION AFFORDED BY THE EXAMINATION; IT WOULD CREATE DIFFICULTIES FOR THOSE WHO ACQUIRED CPA CERTIFICATES UNDER THIS PROVISION IN SEEKING TO OBTAIN RECOGNITION FORM

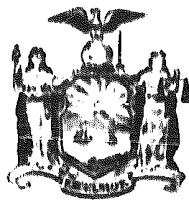
ACKNOWLEDGED
 MAR 30 1971



Telegram

OTHER STAT. NEW YORK HAS BEEN A PROGRESSIVE PIONEER IN THE
REGULATION OF THE ACCOUNTING PROFESSION. T SHOULD NOT TAKE
A BACKWARD STEP WHICH WOULD IMPAIR THAT REPUTATIION THROUGHOUT
THE COUNTRY. I HOPE, TEREFORE, THAT YOU WILL AGAIN VETO THIS
LEGISLATION

LEONARD M SAVOIE EXECUTIVE VICE PRESIDENT.



STATE OF NEW YORK
DEPARTMENT OF LAW
ALBANY

LOUIS J. LEFKOWITZ
ATTORNEY GENERAL

MEMORANDUM FOR THE GOVERNOR

Re: Senate 350, Assembly 359

This bill is to revise and simplify that portion of the Education Law dealing with the professions.

The effective date of the said bill is September 1, 1971.

This bill now makes uniform the provisions regulating the general practice of all the professions licensed by the New York State Department of Education.

This eliminates the variance in the grounds for disciplinary proceedings in the different professions which simplifies the enforcement of the Education Law both in the matter of disciplinary proceedings and criminal proceedings. Accordingly, the Law is now clarified for the licensee as well. It also makes uniform and simplifies the grievance and review procedures.

Additionally, this bill updates the provisions peculiar to each of the licensed professions.

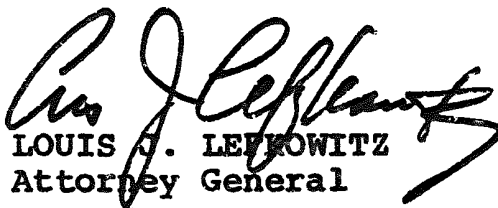
This bill has been under study by the Joint Legislative Committee for five years and after the 1970 session of the Legislature, it was passed but was vetoed by the Governor because certain of the professions had opposed the same. Practically all of the professions have removed their objections based on certain chapter amendments which have incorporated suggestions made by them. (S 4120-B, S 4120-B, A 5476-B, S 1918-B, S 6480, S 6571, S 6687, and A 7790).

Enforcement of the provisions of the Education Law both in disciplinary proceedings and criminal proceedings is the function of the Attorney General's Office, and we find that this bill makes for more efficient enforcement in both of these areas and the same is an improvement over the present law.

I find no legal objection to this bill.

Dated: June 8, 1971

Respectfully submitted,


LOUIS J. LEFKOWITZ
Attorney General



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CONSTANCE E. COOK
TIOGA-TOMPKINS COUNTIES
COY GLEN ROAD
ITHACA, N. Y.
607-272-5770

May 25, 1971

COMMITTEES
EDUCATION, CHAIRMAN

8350

Dear Governor Rockefeller:

Enclosed is memorandum covering Senate bill S. 350, which is companion to bill A. 359, introduced by me and now before you.

Your favorable action on the bill is respectfully requested.

Sincerely yours,

Constance E. Cook
Constance E. Cook

The Hon. Nelson A. Rockefeller
Executive Chamber
State Capitol
Albany, N. Y. 12224

MEMORANDUM IN SUPPORT OF "AN ACT TO AMEND THE EDUCATION LAW, THE CIVIL PRACTICE LAW AND RULES IN RELATION TO THE REGULATION AND PRACTICE OF CERTAIN PROFESSIONS: TO CONTINUE THE DENTAL SOCIETY OF THE STATE OF NEW YORK AND THE PODIATRY SOCIETY OF THE STATE OF NEW YORK AND REPEALING SECTIONS ONE HUNDRED TWELVE, TWO HUNDRED ELEVEN, AND TITLE EIGHT OF THE EDUCATION LAW"

Purposes of the bill:

1. To revise and simplify that portion of the education law dealing with the professions so that those provisions common to all professions may be uniform and simply and concisely stated.
2. To provide a consistent format for all the articles so that provisions dealing with the same subject in each profession may be readily ascertained.
3. To delete repetitious language, amend the wording so as to make each provision concise and easily understandable, and omit obsolete and archaic sections.

Summary of provisions of the bill:

The proposed revision of Title VIII reduces the language in the existing law from well over one hundred thousand words to approximately twenty-five thousand words.

Article 130, the omnibus article, provides for:

1. uniformity in matters common to all professions. It describes the method for admission to a profession, duration of licenses, and manner of regulation. (Sec. 6501-6504)
2. supervising the professions by the board of regents, administration by the education department and the governance by the state board for each profession. This article makes the responsibilities and duties generally uniform whereas the existing law contained different powers and duties for each professional board. (Sec. 6506-6508)
3. a legislative uniform definition of misconduct for all professions and a common system of procedures for bringing a complaint, holding a hearing and appealing to the board of regents. (Sec. 6509-6511)
4. the establishment by rules of the board of regents of standards of conduct. The board of regents is further authorized to continue all standards presently included in the statute. This greatly simplifies the statute and deletes many thousands of words. It does not mean, however, that the legislature cannot at any time enact such laws as it deems necessary in relation to professional conduct or ethics.
5. making unauthorized practice of a profession and unauthorized use of title a crime.

6. methods to be followed in criminal proceedings and in obtaining injunctive relief.

7. a single board for each profession. One of the most significant administrative changes is that the article provides for a consolidated board for each profession. This does away with the separate boards of examiners and grievance committees which are contained in some professions, substituting a flexible board for each profession. Panel may be selected from such boards by the chairman to handle examination matters and cases of professional conduct. All cases are expedited over current procedures which in many professions are extremely cumbersome. Misconduct cases are heard by a panel of five and four-fifths of the panel may reach a finding of guilty. Regardless of the finding the panel reports directly to the board of regents. Heretofore a finding of guilt had to be the unanimous finding of a subcommittee of three as well as the entire grievance committee of ten in medicine, in physical therapy and others a majority, and in accountancy nine out of fifteen.

Individual professions:

1. Twenty professions are covered in eighteen articles. While the provisions referring to the scope and practice of each profession have not undergone substantive change, the majority of definitions have been revised to make them more concise. To assure that such revisions have not changed the meanings, section six of this bill provides that the new title does not affect or modify the scope of practice in any profession as it existed prior to the enactment of the bill.

2. This bill differs from last year's bill in that it continues the existing practice of biennial registration.

3. The requirements for a license in each profession are set out in a standardized form so that they are simple to follow and easy to compare. In addition, the term "temporary permit" has been deleted and the more descriptive title "limited permit" substituted. The term "limited" is a far more accurate explanation of the function of this document.

4. Physical therapy, previously a part of the article relating to the practice of medicine (Article 131) is now set up in a separate article (Article 131-A).

5. In the field of chiropractic (Article 132) specific limitations on practice are continued and examination requirements have been modified to meet more modern demands.

6. The article pertaining to veterinary medicine (Article 135) remains substantively unchanged.

7. The present jurisdiction of pharmacy has been retained, against last year's bill, which transferred jurisdiction over wholesalers to the health department. Sections have also been modernized with the concurrence of the pharmaceutical society and the pharmacy board.

8. Changes in nursing include the elimination of the term "registered nurse" and substitution of the term "nurse", elimination of the term "licensed

practical nurse" for "practical nurse". These changes have been made at the request of all of the nurses associations.

9. Changes in optometry (Article 143) and ophthalmic dispensing (Article 144), now divided into separate articles, are solely in the area of simplification and clarity.

10. Engineering and land surveying (Article 145) have undergone change in accordance with various recommendations made to the committee but the scope of the definition of the professions remains unchanged. The same is true of architecture and landscape architecture. (Articles 147 and 148 respectively)

11. In public accountancy the existing definition has been retained at the request of the public accountants. The recommendation of the department that public accountants be permitted to use the initials P. A. has been denied because of the objection of the certified public accountants. No other changes have been made to this discipline except the administrative change to modernize and streamline the very cumbersome misconduct proceeding, now existing in this profession.

12. Shorthand reporting (Article 151), psychology (Article 153) and social work (Article 154), remain unchanged except for clarification of language.

13. Several professions have suggested changes in the definition of the professions and in one instance where a profession has no definition, one has been recommended. Established committee policy is that no substantive changes will be made in the definition of any profession by the committee. The committee's work has been confined to revision and simplification, leaving to the professions the opportunity to change by offering amendments to the legislature as a whole. Other professions continue to press for substantial changes in existing law such as abolishing limited permits, removing requirements with respect to acceptance of practical work as a qualification for examination, modification of supervisory requirements, extension of licensing requirements. All of these as a quid pro quo to their approval of the bill. These demands can not be met. All of such changes need separate consideration by the legislature and should be introduced as chapter amendments.

Additional provisions

1. Section four of the bill, entitled "transitional provisions", assures the following:

a. That if any portion of the bill is declared unconstitutional, it does not affect the validity of any other part;

b. That registrations and temporary permits in effect on the effective date of the bill continue until their specified expiration date;

c. That licenses or equivalent credentials existing under prior statutes are not affected or modified;

d. That the rights previously acquired are not affected or modified;

e. That the scope of the practice of any profession is not affected or modified;

f. That the rules of the regents and the regulations of the commissioner, except as they may be inconsistent with the provisions of this act, are not affected or modified; and

g. That the rules of the board of regents authorized to be promulgated may incorporate those provisions of former statutes having to do with unprofessional conduct.

2. Section eight of the bill transfers from the existing law in Article 139, Nursing, sections sixty-nine hundred twenty through sixty-nine hundred twenty-two pertaining to the education of nurses. These sections, revised and simplified so that they now constitute one section, are transferred within the education law to the article relating to higher education as section four hundred fifty-two.

3. Section of the bill makes the effective date September 1, 1971.

Prior legislative history

Work on the Professions bill has been going on continuously since 1964. The first study bill was S-4415 in 1967. In 1968 a further study bill was introduced S-5877 and again in 1969 S-4654. In 1970 S-6825, A-2646, chapter amendments S-8666-A and S-9411 were introduced and passed both houses but the bill was vetoed by the governor, who noted objection by the following: The New York State Association of Architects, the New York Chapter of the American Physical Therapy Society, the New York State Society of Certified Public Accountants, the New York State Council of Retail Merchants, the Operating Engineers Union, the New York State Association of the Professions and the New York State Nurses Association.

The point raised by the Retail Merchants Association has been taken care of as has that of the Operating Engineers Union and the pharmacists whose objection came through the New York State Association of the Professions also representing the architects and accountants. The new bill makes several modifications with respect to architecture and accountants but does not make the changes which are substantive in nature requested by them and by the Physical Therapy Society.

Sources of support

The Dental Society of the State of New York, New York State Veterinary Medical Society, the Pharmaceutical Society of the State of New York, the New York State Nurses Association, the Podiatry Society of the State of New York, New York State Optometric Association, New York State Ophthalmological Society, Inc., New York State Society of Professional Engineers, Inc., New York State Psychological Association, New York State Council of Chapter of National Association of Social Workers and licensed masseurs.

Sources of possible objection - None

Budgetary implications of the bill. There are no budgetary implications.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Standing Committee
Central Staff

June 24, 1971

James Ayres, Esq.
Assistant Counsel
Executive Chamber
The Capitol
Albany, New York 12224

Dear Jim:

As mentioned in my last letter, I am now writing to follow-up a series of bills designed to codify Title VIII of the Education Law.

The bills are as follows and should be treated as a package:

S 350
S 4120-B
S 1918-B
S 6480
S 6571
S 6687
A 7790

The main bill (S 350/A 359) and the major chapter amendment (S 4120-B/A 5476-B) is the product of many years of work by the former Joint Legislative Committee to Revise and Simplify the Education Law and by the Senate and Assembly Standing Committees on Education.

When similar legislation was sent to and subsequently vetoed by the Governor last year (memoranda # 264, 265, 266), it was pointed out that "some professional groups were unable to complete their review of (the bill) in its final form and to air fully their reservations and objections prior to passage." Also, since "the bill would not become effective until September 1, 1971, there is still ample time for the Legislature to act at its next regular Session on a revised bill carrying an identical effective date. Accordingly, I am withholding my approval at this time to allow the sponsors of the bill to consult with representatives of those professions that still object to it ...".

The bill package now before you represents substantial efforts on the parts of the Senate and Assembly Education Committees to comply with the Governor's wishes. In order to better reflect the positions of the professions involved in the bill, the Committees held a public hearing on the issue on October 19, 1970. From that point in time until the bills cleared both houses of the Legislature, the Committees held numerous informal conferences with representatives of the affected professional groups and associations. They now feel that the great majority of the objections to the 1970 proposal have been corrected to the mutual satisfaction of the Legislature and the professional societies, groups and associations.

From a staff position I would like to make a few observations. First, the bills under consideration will, when signed, substantially reduce and clarify the language making up Title VIII. This in itself will provide welcome relief as the analysis and evaluation of future bills affecting substantive changes among the professions will become a more manageable task. Second, the Assembly's Education Committee, operating under the two-year bill system, has this year purposely held for consideration some fifty bills designed to amend given sections of Title VIII. This step was taken to provide adequate staff time to review and analyze prior to legislative enactment the ramifications such proposals will have upon the public. Third, the proposals before the Committee this year somewhat reflected the confusion felt by the professions and the bill draftsmen in that it was not at all clear whether the proper route to be taken would be to amend the present Title VIII or to draw a chapter amendment to S 350/A 359. Certainly it is our hope that the package now before you will be approved by the Executive and will thus permit us to use these summer months to line up and properly prepare bills for the Committee's consideration in the next Session.

Looking at it now, I am certain this letter is already too lengthy. So rather than continue on and/or enclose great volumes of supporting statements I will offer you my assistance at any time in providing you with the information I have at my disposal regarding the merits of these bills.

Sincerely,



J. Robert Daggett
Senior Staff Associate

JRD:lb

P.S. Courage! Only 12 days to go!



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

May 24, 1971

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

RE: Senate Bill 350
by Mr. Laverne

Dear Mr. Whiteman:

As requested you will find enclosed a copy of a memorandum in support of the above mentioned legislation.

Your favorable consideration is respectfully requested.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Laverne".

Thomas Laverne

TL/kk
Enclosure

MEMORANDUM IN SUPPORT OF "AN ACT TO AMEND THE EDUCATION LAW, THE CIVIL PRACTICE LAW AND RULES IN RELATION TO THE REGULATION AND PRACTICE OF CERTAIN PROFESSIONS: TO CONTINUE THE DENTAL SOCIETY OF THE STATE OF NEW YORK AND THE PODIATRY SOCIETY OF THE STATE OF NEW YORK AND REPEALING SECTIONS ONE HUNDRED TWELVE, TWO HUNDRED ELEVEN, AND TITLE EIGHT OF THE EDUCATION LAW"

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e. That the scope of the practice of any profession is not affected or modified;

f. That the rules of the regents and the regulations of the commissioner, except as they may be inconsistent with the provisions of this act, are not affected or modified; and

g. That the rules of the board of regents authorized to be promulgated may incorporate those provisions of former statutes having to do with unprofessional conduct.

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3. Section nine of the bill makes the effective date September 1, 1971.

Prior legislative history

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The point raised by the Retail Merchants Association has been taken care of as has that of the Operating Engineers Union and the pharmacists whose objection came through the New York State Association of the Professions also representing the architects and accountants. The new bill makes several modifications with respect to architecture and accountants but does not make the changes which are substantive in nature requested by them and by the Physical Therapy Society.

Sources of support

The Dental Society of the State of New York, New York State Veterinary Medical Society, the Pharmaceutical Society of the State of New York, the New York State Nurses Association, the Podiatry Society of the State of New York, New York State Optometric Association, New York State Ophthalmological Society, Inc., New York State Society of Professional Engineers, Inc., New York State Psychological Association, New York State Council of Chapter of National Association of Social Workers and licensed masseurs.

Sources of possible objection - None

Budgetary implications of the bill

There are no budgetary implications.

13



5-350

THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

June 2, 1971

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, N.Y. 12224

RE: S.350
S.4120-B
S.1918-B
S.6480
S.6571
S.6687
A.7790

Dear Mr. Whiteman:

Enclosed please find supplemental memorandum in support of the above mentioned legislation.

Your favorable consideration is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Laverne".

Thomas Laverne

TL/rms
Enclosure

S-350
S-4120-B
S-1918-B
S-6480
S-6571
S-6687
A-7790

MEMORANDUM IN SUPPORT OF "AN ACT TO AMEND THE EDUCATION LAW, THE CIVIL PRACTICE LAW AND RULES IN RELATION TO THE REGULATION AND PRACTICE OF CERTAIN PROFESSIONS; TO CONTINUE THE DENTAL SOCIETY OF THE STATE OF NEW YORK AND THE PODIATRY SOCIETY OF THE STATE OF NEW YORK AND REPEALING SECTIONS ONE HUNDRED TWELVE, TWO HUNDRED ELEVEN, AND TITLE EIGHT OF THE EDUCATION LAW"

The master bill S-350, A-359, was filed after a legislative hearing in October 1970 and a continuous round of conferences since April 1970.

The bill, with certain chapter amendments sought by certain professions, has successfully run the legislative gamut and is now before the governor for a second time. Last year's veto message listed several associations as objecting to the bill. Of those listed, only the accountants continue their harassment, but the engineers have now reversed their position, on grounds which will be detailed later.

The list of societies who endorse the bill is imposing:

- Medicine
- Physical therapy
- Chiropractic
- Dentistry and dental hygiene
- Veterinary medicine
- Pharmacy
- Nursing
- Podiatry
- Optometry
- Ophthalmic dispensing
- Land surveying
- Architecture
- Landscape architecture
- Shorthand reporting
- Psychology
- Social work
- Massage

Seventeen out of nineteen professions have approved the bill.

A purported telegram from the New York State Association of the Professions, Inc., disapproving the bill was read on the Assembly floor. I have just received a copy of a letter dated March 31, 1970 to Mr. Whiteman. In that letter, the signer commented only on the main bill and not on the chapter amendments, which accompanied it and which were available to him. This letter also neglected to state that the vote was not unanimous. Further the gratuitous statement "Most of them have had little opportunity to confer with the representatives of the Joint Legislative Committee handling this legislation" is without foundation and is totally in error. The president of the association has never made any attempt to contact the persons responsible for the bill or its sponsors nor has he ever attended any hearings. The letter is completely irresponsible. The fact that the chapter amendment S-4120-B dated February 18, 1971 makes many changes requested after the October 19, 1970 hearing emphasizes the fact that the letter is an attempt to mislead. That chapter amendment resulted from requests from Medicine, Physical therapy, Chiropractic, Veterinary Medicine, Pharmacy, Nursing, Architecture, Public Accounting, Massage and Landscape Architecture.

The bills which we recommend for approval are as follows:

S-350
S-4120-B
S-1918-B
S-6480
S-6571
S-6687
A-7790

COMMENTS WITH REFERENCE TO OPPOSITION

The CPA's continue to oppose the bill although the only request from that profession that has not been met is for two separate boards and for the society to select the board.

The engineers have a new president who revoked all previous agreements. He particularly took exception to paragraphs k and l of Section 7208 on page 109 of S-350. These paragraphs have been included in previous years without objection and also appeared in the Engineers own bill of last year. They also object to the definition of architecture.

We know of no other opposition.



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

BRAINARD E. PRESCOTT
COUNSEL

June 5, 1971

5350

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

RE: Senate Print 350
by Mr. Laverne

Senate Print 4120-B
by Mr. Laverne

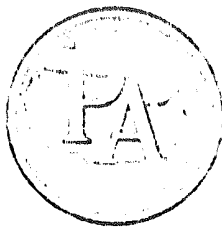
Dear Mr. Whiteman:

I found these letters in my files and
thought they might be helpful to you.

Sincerely,


BRAINARD E. PRESCOTT
Counsel

BEP/c
Enclosures



THE PROPRIETARY ASSOCIATION

1700 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20006 • PHONE (202) 223-6866

JAMES D. COPE
Executive Vice President
and Treasurer
DANIEL F. O'NEILL, Jr.
Vice President and Secretary
JOSEPH M. PISANO, M.D.
Vice President for
Medical and Legislative Affairs
ALAN W. MERCILL
Director
Trade and Public Relations

March 1, 1971

The Honorable Thomas Laverne
Chairman, Senate Education Committee
The Senate
State of New York
Albany, New York 12224

Re: S-350, A-359

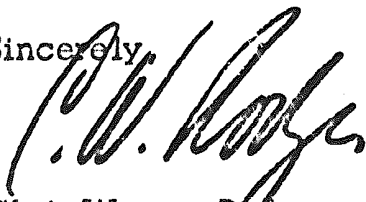
Dear Senator Laverne:

Thank you for your letter of January 5, 1971, enclosing a copy of the proposed Professions Bill, S-350, A-359. We have given careful consideration to the provisions of this Bill, particularly to the proposed Pharmacy sections.

As you are aware, we appeared at the Public Hearing in Albany on October 19, 1970, at which time we made a number of suggestions regarding certain of the provisions of the Pharmacy Section. We are pleased to note that most of our suggestions have been incorporated in the Bill you sent to us.

Under these circumstances, The Proprietary Association is pleased to recommend passage of the Bill in its present form.

Sincerely,



Clair Warren Rodgers
Executive Assistant

CWR: st



New York State Nurses Association

EXECUTIVE PARK EAST, STUYVESANT PLAZA

ALBANY, NEW YORK 12203

PHONE (518) 489-2569

Nurses

February 5, 1971

VERONICA M. DRISCOLL, R. N.
EXECUTIVE DIRECTOR

Senator Thomas Laverne
Chairman
Senate Education Committee
The Senate
State of New York
Albany, New York 12224

oef

Dear Senator Laverne:

This is in response to your recent letter requesting this Association's position on the new Professions bills, S-350, A-359.

The New York State Nurses Association supports completely the intent of the Professions bill. When the Joint Legislative Committee to Revise and Simplify the Education Law was first established in 1964, we immediately supported its efforts, and worked closely with the staff of the committee. As early as 1965 nurse leaders within the Association called for substantive changes in the Nurse Practice Act. However, we prevailed upon them, and secured their cooperation to delay these changes pending completion of the committee's work.

It is now 1971, and although we remain in complete agreement with the major intent, and with the majority of the provisions in the Professions bill, due to drastic changes in the health field since 1964, we strongly believe a substantive change must be made now in the definition of the practice of nursing. The continued existence of the nursing profession is absolutely dependent upon such action. Therefore, the Association is sponsoring a chapter amendment to the Professions bill relating to the definition of nursing.

We hope for early passage of the Professions bill and of our chapter amendment, S-1918, A-2065, and we will cooperate toward those ends.

Sincerely yours,

Veronica M. Driscoll

Veronica M. Driscoll, R.N.
Executive Director

VMD/ntf

The DENTAL SOCIETY of the STATE OF NEW YORK

CONSTITUENT OF THE AMERICAN DENTAL ASSOCIATION

30 EAST FORTY-SECOND STREET, NEW YORK, N. Y. 10017

212-986-3937

February 8, 1971

Honorable Thomas Laverne
Chairman, Committee on Education
Senate Chambers - State Capitol
Albany, New York 12225

Dear Senator Laverne:

We refer to Senate 350 relative to the revision and simplification
of the Education Law.

Our Council on Education to which this bill was submitted for study
has reported its approval as printed.

Therefore as of the current printing we approve for the profession
of dentistry.

Sincerely,

Charles F. Dull, Jr., D.D.S.

Charles F. Dull, Jr., D.D.S.
Assistant to the Secretary

CFD:AC



**SOCIETY of
DISPENSING
OPTICIANS, Inc.**

File

- Chapter Presidents**
- BUFFALO**
David Gerstner
- CAPITOL DISTRICT**
Robert Richmond
- CENTRAL NEW YORK**
Carlyle A. Edelstein
- LONG ISLAND**
G. Richard Outlaw
- METROPOLITAN**
Henry I. Cohan
- ROCHESTER**
Edward F. Shaw
- SOUTHERN TIER**
Richard S. Buchanan
- WESTCHESTER**
Ernst A. Obrig

75 STATE STREET
Albany, N. Y. 12207

Telephone
(518) HObart 5-4150

January 19, 1970

Hon. Thomas Laverne
Chairman, State Education Committee
Senate - Capitol Building
Albany, New York

Board of Directors

- Peter Bacotti
- William Cahill
- Egmond Clabeaux
- Ulysses Econs
- James J. Farino
- Richard Gallo
- Stan Harding
- Herman Lacoff
- Ralph Mastrorocco
- Blake Smith
- Loren Snodgrass
- Kenneth Thomson

Dear Senator Laverne:

The Society of Dispensing Opticians, Inc. of New York State wishes to go on record as supporting the present print bill, S350-A359, now before the Senate and Assembly Committees on Education.

The Society representatives have conferred often over the past few years with the legislature in developing this bill concerned with the professions under the jurisdiction of the Education Department. We are concerned particularly with Article 144 entitled "Ophthalmic Dispensing." It is our understanding that the bill is not intended to make substantive changes that may be considered controversial in any way.

The redrafting of the bill has simplified and improved the present Article. The omnibus sections involving all the professions are of great benefit in standardizing the grievance and enforcement procedures, making it more understandable to the average practitioner. The particular article involving ophthalmic dispensing has been improved by the deletion of obsolete material and the new provisions for the examining board and for educational training.

The Society, consisting of members licensed by the State of New York to practice as ophthalmic dispensers, supports this bill in its revised and simplified form as it pertains to ophthalmic dispensers. Its enactment will result in the better regulation of the profession with benefit to the people of the State of New York.

Respectfully submitted,

Jerome H. Stenzler
President



NATIONAL COMMISSION FOR THE STUDY OF NURSING AND NURSING EDUCATION

300 Westfall Road
Rochester, New York 14620
716-275-4671

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- STUDY STAFF
- Jerome P. Lysaught
Director
- Charles H. Russell
Associate Director

February 4, 1971

Senator Thomas Laverne
New York State Senate
Albany, New York 12224

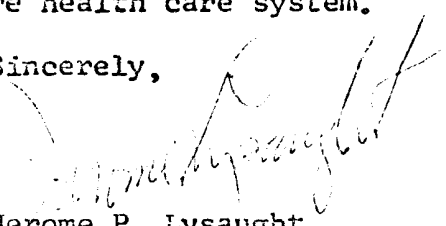
Dear Senator Laverne:

In June of 1970, the National Commission for the Study of Nursing and Nursing Education with headquarters in Rochester, New York completed a three year investigation of this profession and published a set of recommendations designed to make nursing a full partner in the emerging system of health care. This partnership is essential if we are to make nursing a rewarding career and thus retain its practitioners.

In a real sense, there should be no nursing shortage. We graduate annually enough students to meet our needs if these nurses could be retained. Over 50 per cent of our potential practitioners, however, are inactive and largely because of the non-rewarding systems and roles which they encounter.

The chapter amendments proposed by the New York State Nurses' Association to the Professions Bill (S-350, A-359) are consistent with the findings and recommendations of the Commission and are clearly related to the changes that must be induced to make nursing a rewarding and professional career. I strongly urge your support of these amendments. They will be a definite aid to the enhancement of our entire health care system.

Sincerely,


Jerome P. Lysaught
Director

JPL/go

An independent, privately incorporated group, the Commission is financed by the W. K. Kellogg and Avalon Foundations and by a private individual. The study staff is advised by panels composed of persons broadly representative of the health field.



NEAL L. MOYLAN
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF COMMERCE
ALBANY

AREA CODE 518
474-4100

May 6, 1971

Honorable John E. Kingston
Majority Leader
State Assembly
The Capitol
Albany, New York

Dear John:

Re: S. 350

The Department has expressed to Mrs. Cook, as Chairman of the Education Committee, its general view of S. 350, and has indicated that it is not opposed to its enactment. However, in my letter to Mrs. Cook of February 23, 1971, I expressed our view of the importance of the provision of paragraph k of Section 7208, as it would be amended.

I would like to again describe the vital importance we attach to the provisions of paragraphs k and l of Section 7208, and to indicate that the elimination of these paragraphs would make the bill unacceptable to this Department and the affected industries.

Senate 350 was the result of long and careful study by the Joint Legislative Committee to revise the Education Law and by both the Senate and Assembly Education Committees. The bill was carefully worked out and painstakingly drafted in cooperation with both the engineering societies and representatives of the affected industries. To strike out or eliminate a carefully considered, important provision such as paragraphs k and l of Section 7208, vitiates the entire article relating to the practice of professional engineering.

Paragraph k of Section 7208 would assure that the prohibitions of Article 145 are not misapplied to interfere with the customary engineering activities of manufacturing

corporations in connection with their products and services. This clarification, we feel, is especially important to New York's advanced technological manufacturing firms, whose contribution to the State has been enormous. We feel that it is vital to assure that the control of the practice of professional engineering, does not become inadvertently extended to the activities of these firms.

Similarly, the provisions of paragraph 1 assure that the prohibitions of Article 145 are not misapplied to the activities of our regulated utility companies and their employees while engaged in the work of the utility which is otherwise regulated, by the State Public Service Commission, or by Federal regulatory bodies, with respect to safety and security.

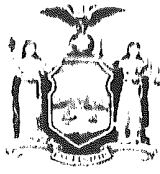
In view of their essential character, we conclude that if the provisions of paragraph k or l of Section 7208 were not contained in S. 350, the bill would be detrimental and unacceptable to the industries of our State and would be unacceptable to the Department.

We urge your support in assuring that those two essential provisions be retained in the bill.

Cordially,

NLM:jed

Make copies for J.R. & C.C.



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

BRAINARD E. PRESCOTT
COUNSEL

June 21, 1971

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Attention: James Ayres

RE: Senate Print 350
and 4120-B
by Mr. Laverne

Dear Mr. Whiteman:


In accordance with your suggestion, I have prepared an analysis concerning the two principal profession bills, S-350 and S-4120-B, which I enclose herewith.

I also note in my files a letter dated May 27, 1971 to the Honorable Robert R. Douglass, and I attach a copy of this letter.

I would welcome the opportunity to discuss any points which may concern you concerning the bills.

Thank you for your courtesy.

Sincerely,


BRAINARD E. PRESCOTT
Counsel

BEP/c
Enclosures

PROFESSIONS BILL

ANALYSIS OF CHANGES FROM EXISTING LAW AND FROM LAST YEAR'S BILL

Article 130 - General Provisions

S-350, as well as last year's bill, provides for a single board for each profession. Committees and panels, rather than advisory councils, boards of examiners and grievance committees, would handle both examinations and misconduct matters.

Both last year's and this year's bill provide for a disciplinary hearing before a committee of five; four votes would be necessary for a person to be found guilty. Under existing law, the rule varies from profession to profession. Medicine, for example, requires a unanimous vote while other professions require a 2/3 or majority vote.

Last year's bill eliminated the term "registration". This year's bill follows existing law by separating licensing from registration (S-350 § 6502, page 3).

Both bills establish uniform definitions of professional misconduct for all professions. However, in S-4120-B, page 3, a better definition of a crime was worked out with the medical society, the accountancy grievance committee, the office of the attorney general, the education department counsel, and the professional misconduct officer.

Both bills would perpetuate the practice of having professional societies nominate persons for the boards while not requiring the regents to accept such nominations. It has been contended that the regents should be required to accept society nominations. Such a proposed requirement would give societies undue power over the boards since these societies represent only a portion of their professions.

Hearing procedures. S-4120-B, page 4, revises the procedure outlined in both last year's bill and S-350 by making it optional for the findings of the panel to be reviewed by the full committee on misconduct.

Both last year's bill and S-350 would require all hearing decisions to be reported to the Board of Regents and would empower the Board to remand for a new hearing on a finding of not guilty. S-350 would revise the procedure so that the second determination of not guilty would be final.

Regents charter. Section 6506 (3), page 6, of S-350 and similar provisions in last year's bill would change existing law by requiring all professional schools operating in this state to be chartered by the regents.

MEDICINE - Article 131

No substantive change is made in the definition of the practice of medicine. The changes in this article are solely matters of simplification, except for the reference to medical utilization review boards (S-350, § 6527, sub. 3, page 22; S-4120-B, page 6). Considerable pressure was exerted to change the definition of medicine to include the word "mental" in the phrase "physical [or mental] condition". When that was not successful, pressure attempted to delete the word "physical", and that was resisted despite the threat to withhold support.

S-350, page 23, contains a new phrase not in last year's bill or in existing law:

"A physician from refusing to perform an act constituting the practice of medicine to which he is conscientiously opposed by reason of religious training and belief"

This provision became necessary because of the enactment of the abortion law.

PHYSICAL THERAPY - Article 131-A

Page 23, S-350, continues the existing and last year's definition of physical therapy; however, both bills distinguish between physical therapy and medicine. After this bill had been printed, the Chairmen of the legislative standing committees decided to add "and may be upon the oral prescription of a physician" (S4120-B, page 6). This phrase is currently in the Commissioner's Regulations. A further change in definition is proposed in S-6687. The word "supervision" is deleted and the word "referral" is substituted.

CHIROPRACTIC - Article 132

Neither last year's bill nor S-350 change existing law. S-4120-B, page 7, line 5, corrects an error in S-350 and on lines 11, 12 and 13 modify experience requirements from none to that required by regulation. S-6480 also corrects a draftmanship error.

DENTISTRY AND DENTAL HYGIENE - Article 133

S-350 revises the definition of dentistry to make it follow more closely the definition contained in existing law. The dentists believed that something had been lost in the attempt to simplify the existing definition. S-350 continues in Section 6608 (page 34) the new provision creating a state committee of two dental hygienists to assist the dentistry board.

VETERINARY MEDICINE - Article 135

S-350 differs from existing law and last year's bill by including a new section 6706 (page 42). This section proved necessary after the department found that it did not have the power to prevent lay persons from forming corporations for profit to own and operate animal hospitals. After considerable study and discussions with the society and the department, the section was drawn so that only a veterinary professional service corporation, or a not-for-profit corporation, could be organized for the practice of veterinary medicine.

PHARMACY - Article 137

This article has undergone considerable modernization and simplification over both existing law and last year's bill. It is the result of the joint effort of the executive secretary of the board of pharmacy working with the deans of two schools and the society itself. It restores to the statute much which was omitted in last year's bill. There are now 25 sections compared to 15 in last year's bill. Most of these 10 sections would be eliminated by provisions in the toxicology bill.

S-4120-B, pages 7-11, make technical corrections.

S-350, section 6809, page 57, modifies existing law by limiting the jurisdiction of the pharmacy board to any person holding a license, registration or certificate. Existing law permits the board to levy a fine against anyone alleged to have violated the statute (Sec. 6804-a).

NURSING - Article 139

The definition of the practice of nursing contained in S-350 is the same as in last year's bill except that the word "registered" and "licensed" were omitted. S-4120-B, pages 21-27, corrected this and followed existing titles. S-1918-B is a chapter amendment which constitutes a substantive change in the definition of nursing.

PODIATRY - Article 141

The definitions in S-350 and last year's bill are the same and follow existing law. S-350 contains a new § 7006, sub. 2, page 95, omitted from last year's bill, that perpetuates a provision in the existing law which the proprietary societies believe important:

2. Any manufacturer or merchant may sell, advertise, fit, or adjust proprietary foot remedies, arch supports, corrective foot appliances or shoes.

OPTOMETRY - Article 143

No change from existing law and same as last year's bill.

OPHTHALMIC DISPENSING - Article 144

No change from existing law and same as last year's bill.

ENGINEERING AND LAND SURVEYING - Article 145

S-350 and last year's bill are similar. Last year's bill was prepared in cooperation with the New York State Society of Professional Engineers and had their endorsement.

On April 2, 1970, the then Vice President, Kenneth R. Brown, of the New York State Society of Professional Engineers, Inc., wrote to Senators Dominick and Hughes, to his counsel Mr. Koblenz and to Assembly-woman Constance Cook as follows:

We are also pleased to advise that we are now in a position to confirm our support of the 1970 JLC bill (S-6825, A-2646).

Since the March 10 NYSAP meeting we have made rather detailed comparisons of the 1969 and 1970 versions of the JLC bill and the 1970 Hughes-Cook bill (S-6582, A-2389) and 1970 JLC bill.

We can now state that we feel that no substantive changes were made with regard to Engineering and Land Surveying between the 1969 and 1970 JLC bills and that, within our understanding of the wishes of the NYSSPE Board of Directors, the full support of NYSSPE for the 1970 JLC bill will continue.

The definition in existing law is:

A person practices professional engineering, within the meaning and intent of this article, who holds himself out as able to perform, or who does perform any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities,

structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

The definition in S-350 plus S-6571 is:

The practice of the profession of engineering is defined as performing professional service, such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data.

Objection was raised at this session to the omission of the words, "buildings, machines and works" from the definition. S-6571 was introduced and is in the Governor's hands with S-350 which includes these three words.

Objection was also made to the inclusion in S-350 of Section 7208, paragraphs k and l. page 87, included in last year's bill, l is in existing law; k is actually the existing practice and to hold otherwise would result in extremely chaotic conditions in every manufacturing plant in this state.

ARCHITECTURE - Article 147

The definition of architect in the existing law is:

A person practices architecture within the meaning and intent of this article, who holds himself out as able to perform or who does perform any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such

professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics and the physical sciences.

Last year's definition of architect as found in S-6825 is:

The practice of the profession of architecture is defined as performing activities which include analysis, planning, design, calculations, research, graphic and verbal presentation, and advice concerning the preparation of, necessary documents for the design and construction of alteration of buildings and their related environment, and the supervision of such construction or alteration.

The definition of architecture in this year's bill, S-350 is:

The practice of the profession of architecture is defined as rendering or offering to render services in connection with the design and construction of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures, including planning, providing preliminary studies, designs, drawings and specifications, construction management and administration of construction contracts. The term structures is intended to include all its components.

In S-4120-B the practice of architect is defined as follows:

The practice of the profession of architecture is defined as rendering or offering to render services in connection with the design and construction of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures, including planning, providing preliminary studies, designs, drawings and specifications, construction management and administration of construction contracts safeguarding life, health and property. The term structures is intended to include all its components.

This definition, in our opinion, makes no substantive change from either existing law or last year's bill.

Existing law, last year's bill and S-350 contain a provision, which among other things, exempted single family residence buildings of a gross area of 1500 square feet. The architects have protested against this provision and have sought the elimination of the residence provision and the reduction of square footage to 1000 feet. S-4120-B, page 19, line 6, eliminates the phrase single family to conform with existing law (Sec. 7307, subd. 2) but retains the 1500 square footage.

Representation was made last year that the bill should specifically permit the use of the phrase "junior or assistant architect". When the request was not complied with, the AFL-CIO Technical Guild, filed in opposition to the bill. In the city of New York, the title is a civil service title and persons are employed under such title who are not licensed architects. Since the practice exists, the use of the title was authorized in bill section 23, page 14, lines 19-23.

Bill section 36, pages 27-28 authorizes a corporation organized on February 29, 1929 and with a change of name approved March 12, 1962 to be deemed to have continued as a grandfather corporation under existing law. The provisions with respect to such corporations are unchanged from existing law in last year's bill and in S-350. This section, added as an unconsolidated law, results from a change in administrative requirements and policy within the department, and corrects an injustice.

LANDSCAPE ARCHITECTURE - Article 148

Both last year's bill and S-350 (Section 2327, subd. 3, page 105) contain a grandfather clause provision not contained in existing law. The original licensing of landscape architects was added by Chapter 1082 of Laws of 1960 effective April 1, 1960 and prohibited corporations from practicing architecture. As a matter of law, this prohibition was ineffective. This subdivision brings such corporations in line with grandfather engineering and architecture corporations.

Bill section 32, page 19 of S-350, relating to the filing of working drawings by landscape architects contains a clarifying phrase not included in last year's bill or in existing law which better defines such working drawings. The phrase is "relating to the settings, approaches or environment for structures or other improvements".

PUBLIC ACCOUNTANCY - Article 149

S-350 and S-4120-B contain several changes from last year's bill, made because of objections of the accountants and to give them assurance that existing provisions of law are complied with

S-350, page 128 (Section 7401) returns to the redundant definition of public accountancy as contained in existing law but eliminates the word

"or" which is a misnomer in existing law.

S-350 permitted public accountants to use the title "P.A.". S-4120-B, bill section 27, page 16, eliminates this provision and conforms to existing law.

S-4120-B, bill section 2, page 2, added the specific language to permit endorsement of outside licenses.

A-7790 added the word "written" before examination to assure the accountants that in no case could any portion of an examination be other than written.

The chart shows the various objections of the public accountants and the disposition of the same: Items 1, 2 and 5 are the only requests not complied with. Items 2 and 5 are not found in existing law. Item 1 involves the administrative uniform procedures for misconduct favored by all except the representative of the accountants.

CHART SHOWING ISSUES WITH
CERTIFIED PUBLIC ACCOUNTANTS

<u>Existing Law</u>	<u>Proposed</u>	<u>C.P.A.'s Suggestion</u>	
1. Examiners 5, §7402 Grievance 15, §7406, s2a. with 7 for quorum trial committee of 3 unanimous vote of trial committee & the grievance committee of minimum of 9 Charges must be referred to council on accountancy (7) §7410, 1. then to grievance §7406, s.3	Consolidated board 20 Panel of 5 on dep't. recommend- ation charges heard 4/5 for finding then direct to Board of Regents committee or to <u>full committee at option of Board</u> S-4120-B Bill section 5, page 4	Continue present procedures	<u>Disapproved</u>
2. Partnerships - registered members are licensed	Continue	Require part- nership licen- sing (§6507.4d)	<u>Disapproved</u>

The proposal to require partnerships to also obtain a license would be a substantial substantive change in the law and should not be made without obtaining the reaction of the firms throughout the state who are partnerships and presently not licensed. Regardless of the merit of the proposal it should be made as a proposed chapter amendment.

3. §7406, s. 1 (c) (grounds for revoca- tion) has been convicted of any crime in a court of competent jurisdiction either within or without the state	§6509 (5) a,b,c S-4120-B, page 3	Add "as defined in the state of New York"	(Suggestion withdrawn)
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<u>Existing Law</u>	<u>Proposed</u>	<u>C.P.A.'s Suggestion</u>	
4. §7403, s. 2 passes an examination required by the department	§7404 (4) pass an examination satisfactory to the board	Add "written"	<u>Approved</u> <u>A-7790</u>
5. Temporary permit §7408 s. 2 (g) provides for temporary permits and renewal to accountants from foreign countries	Limited permit §7406 Same	Continue Limit to two permits	<u>Disapproved</u> <u>Substantial</u> <u>substantive</u> <u>change</u>

COMMENT

There has been a long established policy in this state to permit foreign accountants to come in on a reciprocal basis and be issued a temporary permit. Proposal to now limit temporary permits to two periods is too important a matter to be treated cavalierly and to be included in a bill without separate discussion.

6. The proposed bill completely omits the Approved usual indorsement procedure S-4120-B

SHORTHAND REPORTING - Article 151

S-350 does not change existing law and is the same as last year's bill.

PSYCHOLOGY - Article 153

S-350 does not change existing law and is the same as last year's bill.

SOCIAL WORK - Article 154

S-350 does not change existing law and is the same as last year's bill.

MASSAGE - Article 155

S-350 and last year's bill are the same and conform to existing law. S-4120-B, bill section 29, page 17 adds a new section extending the time in which a masseur who has practiced for two years prior to July 1, 1971, may apply for a license without formal examination to December 31, 1971.

OTHER

S-350 does not contain amendments to the Public Health Law (Article 37-A) as did last year's bill.

S-4120-B, bill section 30, page 18, authorizes contracts for nursing education with municipal or county hospitals. This authorization was not contained in last year's bill nor is it included in existing law.



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
80th DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

May 27, 1971

PERSONAL AND URGENT

Dear Bob:

Enclosed please find a packet of the "professions bills".

Senate Print 350 represents the culmination of seven years work, and must be signed. The attached chapter amendments (SP 4120B, SP 1918B, SP 6571, SP 6480, AP 7790 and SP 6687) are part of the understanding that I had with the various professions for changes.

I have a great stake in having these bills signed. I have a very extensive program that I intend to work on in education. The provision and the development of these bills have occupied almost 90% of my staff time and 50% of my time. I just don't think that any problems contained that might be considered part of this package are significant enough to force us to go through the agony of renegotiation.

If you have any specific problems on details, Brainard E. Prescott, of my office, is our expert, and if he and you and the Department of Education work out any needed amendments, you will have my complete cooperation.

In any event, unless it is going to get favorable consideration, I would appreciate your passing the word along to your staff that they are to be held for discussion with you. I would like to lean a little on the Governor if that has to be done.

We are in the process of preparing a detailed memorandum, which will be sent down to you. The purpose of handing you the bills enclosed is to alert you to the numbers.

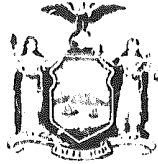
With kind personal regards

Sincerely,

Thomas Laverne.

Robert R. Douglass
Secretary to the Governor
Executive Chamber

Chap 987



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

July 1, 1971

Robert R. Douglass, Secretary to the Governor
Executive Chamber
State Capitol

Dear Bob:

I cannot emphasize too greatly the need for the signing of the bill of the professions - Senate 350, and the chapter amendments which have been agreed upon.

There are only two known groups who object. One the CPA's who have since been abandoned by the public accountants, and who now support this bill. The other is a small group of engineers. Their opposition is completely selfish, and has no merit.

Aside from this, my Education Committee has been working on this bill for seven years. It is, frankly, my intention to get rid of the problem, and this bill is probably the only bill that ever had the opportunity to make it. I am sure that there will be continual efforts at change, but the future changes should be within the context of the new law which is a substantial improvement, especially in the administration of the licensing of the professions.

I urge you to recommend approval of this legislation to the Governor.

Sincerely,


Thomas Laverne.

TL:acs
xc Michael Whiteman, Counsel



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EXECUTIVE DIRECTOR

STATE OF NEW YORK
LAW REVISION COMMISSION
488 BROADWAY
ALBANY, NEW YORK 12207

(518) 474-1181

ITHACA OFFICE:
MYRON TAYLOR HALL
ITHACA, N. Y. 14850
(607) 257-1033

June 1, 1971

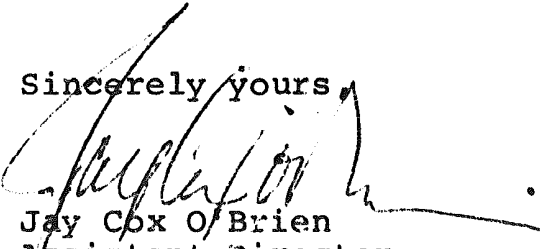
Honorable Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Dear Mr. Whiteman:

Pursuant to your request, we enclose memorandum on the following bill:

1971 Senate No. 350 - AN ACT to amend the education law, the civil practice law and rules, in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law.

Sincerely yours,


Jay Cox O'Brien
Assistant Director

enclosure

MEMORANDUM

By the Assistant Executive Director of the
Law Revision Commission

(Not submitted to or passed upon by the Commission)

relating to

Senate No. 350

AN ACT to amend the education law, the civil practice law and rules, in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law

The subject bill has been worked on, reviewed by and is supported by the Education Department and the former Joint Legislative Committee to Revise and Simplify the Education Law, although it does not bear the imprimatur of either. It is characterized by its supporters as "a recodification" and not as "an amendment to make basic changes". The bill, consisting of 151 pages, proposes a new Title VIII to the Education Law, to be entitled "The Professions".

Stepping outside of the Education Law in one instance, the subject bill proposes in §3 thereof (page 146) to amend Civil Practice Law and Rules §4504 by inserting therein a new subdivision (d) to provide that in any action for personal injuries or death against a person not authorized to practice medicine as defined in the subject bill, the fact that such

person practices medicine without being so authorized shall be deemed prima facie evidence of negligence when such conduct is a competent producing proximate or contributing cause of such injuries or death. We also note that the subject bill in §§5,6 and 7 (pages 147-149) continues dental societies and podiatry societies under unconsolidated laws and in §8 thereof (page 150) adds a new Education Law §6452 to permit the Commissioner to enter into contracts with institutions of higher education to provide greater opportunity in nursing education.

We respectfully call attention to a typographical error on page 133, line 24 where the italicized word "is" should obviously be "its", and to the same type of error on page 141, line 10, where the italicized word "stae" should obviously be "state". It is suggested that these small errors be corrected before the bill is signed into law.

The subject bill covers the admission, licensing, supervision and control, misconduct and unauthorized practice of professional people, as defined in the bill, and covers medicine and dentistry, para-medical personnel, those persons supportive of medicine (nurses, optometrists, pharmacists), engineering and architecture (including landscaping) and such professional personnel as public accountants, shorthand reporters, psychologists, social workers and masseurs. It

may be noted that each "profession" will be governed by a separate board created by the Regents and the Education Department, that misconduct hearing charges will be prepared by the Attorney General, that a misconduct panel must find guilt by at least a four-fifths vote and that the Attorney General must prosecute all unauthorized practice charges.

The subject bill permits only those persons who have duly registered to use the title physician, pharmacist, engineer, public accountant and other titles as set forth in the bill. In previous memoranda submitted in connection with S.1918-B (May 21st and 24th) we noted that the nursing profession is seeking a chapter amendment to the subject bill which would, among other things, include the language "The practice of the profession of nursing as a nurse....." in the definition of nursing. In all cases in the subject bill the particular profession is generally defined as a "profession" in introductory language in each section, but not repeated thereafter.

The provisions of the subject bill relating to medicine continue the exemption from liability for physicians rendering first aid or for acts while serving on utilization review committees of hospitals, and will excuse any physician from

liability for refusing to perform any act which is against his conscience because of religious training (undoubtedly refers to abortion). Said bill contains throughout exceptions for students, members of the armed forces and state institution employees where appropriate, extends the so called "first aid" exemption to dentists, devotes some 44 pages of detail to the control of pharmacists, excepts "domestic servant" type persons rendering limited nursing services, extends "first aid" protection to nurses, allows unlicensed persons acting under religious tenets to render medical and nursing services and newly excepts "any person" rendering gratuitous services in case of emergency from the regulations governing veterinarians. Finally, it is noted that the subject bill will permit certified public accountants and public accountants to mix as partners, but with a prohibition against the use of the words "certified public accountant" in the firm name and will make the use of certain prohibited words and phrases by public accountants in advertising a class A misdemeanor.

The subject bill is lengthy and detailed, and appears to be a complete recodification of the Education Law as it applies to the practice of the professions.

STATE EDUCATION DEPARTMENT

May 28, 1971

TO: Counsel to the Governor
FROM: Robert D. Stone
SUBJECT: S 350, S 4120-B and A 7772
RECOMMENDATION: Approval

REASONS FOR RECOMMENDATION:

This bill represents a major recodification and simplification of several articles of the Education Law relating to the licensing and regulation of the professions.

The bill represents the culmination of several years' effort on the part of the Joint Legislative Committee to revise and simplify the Education Law and is a significant achievement towards that goal.

A number of chapter amendments to this bill have been proposed. Those contained in S 4120-B (A 5476-B) correct a number of errors, omissions, and ambiguities in S 350 and it is important that that bill become law at the same time as S 350. The Department also strongly supports the amendments contained in A 7772 (S 6571), S 6480, S 6806 and S 5818. We believe that this bill and those chapter amendments should be approved.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

To Bill
S. 350

To: Mr. Robert Stone
From: E. E. Leuallen
Subject: Advice to Governor to Counteract the CPA Society 5/28 Memo

Date: June 2, 1971

S 350

Item

1. No bearing on present legislation.
2. The present bill is not so limited in purpose. That limit was on the old JLC.
3. A complete reversal of the fact. No regulation can go beyond the power authorized by law. The intention is to permit greater flexibility and less rigidity with no lowering of useful standards.
4. A misinterpretation. The bill provides for separate committees on professional conduct and on licensing. These committees act independently of the board as a whole and thus make for greater efficiency. (Note that the committees on professional conduct must have 5 members.)

The total board is available for advice and counseling and the setting of policy.

There should be more effective channels of communication with this plan than at present where there are three divergent groups working totally independently.

5. This is a mis-statement of fact. The present law does not require that nominations be sought from the State CPA Society, nor does it require that appointments be made from nominations received from the State Society.

The Department, however, has every intention of continuing its present very effective policy of requesting nominations from the State CPA Society and recommending appointments from such nominees. At the same time, it is highly desirable that the Regents have freedom to make their own choice if found to be desirable. In any such event the Society will be given the opportunity to submit additional names if the original nominees are found to be unsuitable. This is a safety factor exercised very rarely.

6. A broad statement of no substance. Furthermore, the Association of the Professions has not taken any action on the current bill. Last year's action should not be used this year.

EEL:ljc
cc: Dr. Kille
Mr. Allyn
Mr. Meserve

E. E. Leuallen

**SOCIETY CALLS FOR ROCKEFELLER VETO AS SENATE 350
PASSES ASSEMBLY (MAY 21) BY NARROW MARGIN OF SEVEN
VOTES AFTER MUCH DELAY AND OPPOSITION.**

Please write or telegraph Governor Rockefeller (The Capitol, Albany, N.Y. 12224) urging his veto of this adverse legislation:

Senate 350 (Laverne) - Assembly 359 (C.E. Cook)

AN ACT . . . to amend Education Law. . . in relation to the regulation and practice of certain professions.

1. Governor Rockefeller vetoed similar legislation last year because of undesirable substantive changes.
2. Senate 350 still contains many substantive changes although its purpose was merely to simplify the law.
3. The bill provides for unjustified "overkill regulation" by the State Education Department which has adequate supervision under existing law.
4. S. 350 eliminates the Council on Accountancy, State Grievance Committee and Board of Examiners. Their different and separate functions will be combined in an unwieldy single Board. These are major substantive changes.
5. S. 350 specifically states (for the first time) that the Regents shall not be required to appoint candidates for professional committees recommended by professional societies. This is a substantive change in existing law.
6. The American Institute of CPAs and Association of the Professions have noted their opposition to this legislation. It impairs the futures of professional men and women. It does not serve the public interest.

The near defeat of bill in assembly is largely due to the response of the membership to our Legislative Alert of March 1971. Your telegrams and letters at this time may be even more vital.

PLEASE COMMUNICATE IMMEDIATELY WITH GOVERNOR ROCKEFELLER AND URGE HIM TO VETO SENATE 350; ASSEMBLY 359; WHICH SO ADVERSELY AFFECT YOU AND THE PUBLIC INTEREST.

Frederick H. Kelley, President
The New York State Society of
Certified Public Accountants

ALAN D. MILLER, M.D.
COMMISSIONER



STATE OF NEW YORK
DEPARTMENT OF MENTAL HYGIENE
44 HOLLAND AVENUE
ALBANY, N. Y. 12208

WILLIAM D. VOORHEES, JR., M.D.
FIRST DEPUTY COMMISSIONER

HYMAN M. FORSTENZER
SECOND DEPUTY COMMISSIONER

5-5-71

June 1, 1971

Re: Senate 350 by Messrs. Laverne,
Bronston, Dunne, B. C. Smith

AN ACT to amend the education law, the
civil practice law and rules, in relation
to the regulation and practice of certain
professions; to continue the dental
society of the state of New York and the
podiatry society of the state of New York
and repealing sections one hundred twelve,
two hundred eleven, and title eight of
the education law

Hon. Michael Whiteman
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

Dear Mr. Whiteman:

The enclosed memorandum is submitted herewith in re-
sponse to your request for comments and recommendations on
the above ten-day bill which is before the Governor for
executive action.

Sincerely yours,

E. David Wiley
E. DAVID WILEY
Counsel

EDW:js

Enclosure

Re: Senate 350 by Messrs. Laverne,
Bronston, Dunne, B. C. Smith

AN ACT to amend the education law, the civil practice law and rules, in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law

Recommendation: Approval.

Statutes involved: Title VIII of the Education Law.

Effective date: September first next succeeding the date on which it shall have become law.

Discussion:

1. Purpose: To repeal Sections 112 and 211 and Title VIII of the Education Law and to add to the Education Law a new Title VIII. The new Title VIII is a recodification of the provisions of the Education Law regulating the admission to and the practice of the professions. The first article of Title VIII (Article 130) applies to all of the professions and the remaining articles (Articles 131 through 155) each apply to a particular profession. The format of each of the articles applying to a particular profession is the same. There is a definition of the practice of the particular profession; a restriction on the use of the title applicable to the profession; the establishment of a State Board for each profession to assist the Board of Regents and the Department of Education on matters of professional licensing and professional conduct; requirements for the particular professional license; special provisions, such as exemptions and limited permits. Article 130 includes all of the provisions that are generally applicable to professions and which, under the present law, were separately stated in each article dealing with the particular profession.

2. Summary: As stated in #1 above.

3. Statements in support: This bill recodifies the provisions of the Education Law for the regulation of the admission to and the practice of the professions which are under the jurisdiction of the State Board of Regents and the Education Department. This recodification is a major improvement over the provisions of the present Education Law. The articles dealing with the particular professions make little or no substantive change over existing law but their organization and uniformity of dealing with the particular professions is a great improvement over existing law. Article 130 combines the provisions dealing generally with all of the professions. This is in itself a substantial improvement over the present law which has these provisions scattered throughout the articles dealing with the particular professions which causes much repetition. The subarticle dealing with professional misconduct states the bases for a finding of professional misconduct in much more desirable terminology than the present law. This Department is particularly well satisfied with the way it deals with mental disability, alcoholism and drug addiction.

This Department is particularly aware of the definition of the practice of medicine in Article 131, Section 6521. The definition in this section is satisfactory but we recognize that it might need more particularity if a definition were inserted in the article on psychology which infringed or modified it in any way such as has been proposed in the bill introduced in the Senate No. 5818. The definition in such bill would require all physicians who propose to practice psychiatry to also be licensed as psychologists. Any legislation which would authorize any profession other than the medical profession to practice psychiatry, to perform psychotherapy techniques or to diagnose and treat mental and emotional disorders is violently opposed by this Department.

This recodification of Title VIII is a result of several years of study and work by the Joint Legislative Committee and we believe it represents a substantial improvement over the present law.

4. Possible statements in opposition: None known.
5. Other State agencies interested: Education Department.
6. Known position of others: The Education Department supports this legislation.
7. Budget implications: Not known.

EDW:js



STATE OF NEW YORK
DEPARTMENT OF HEALTH
EXECUTIVE DIVISION

OFFICE OF THE COUNSEL

DONALD A. MACHARG
COUNSEL

AMBROSE P. DONOVAN, JR.
CHIEF ASSOCIATE COUNSEL

HOLLIS S. INGRAHAM, M. D.
COMMISSIONER

84 HOLLAND AVENUE, ALBANY 12208

June 2, 1971

Hon. Michael Whiteman
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York

Handwritten scribble, possibly initials or a mark.

Re: Senate 350

Dear Mr. Whiteman:

This bill would repeal the present provisions of the Education Law with respect to professional practice and would reenact such provisions without substantive change in a new Title VIII. It would also add a new subdivision (d) to Civil Practice Law and Rules §4504 to provide that in an action for damages for personal injuries unauthorized practice of medicine is prima facie evidence of negligence. A new §6452 would be added to the Education Law to enable the Commissioner of Education to contract for courses to assist foreign trained nurses to qualify for licensure, for refresher courses for licensed nurses residing in this State and for payments to expand enrollment in approved programs of institutions or hospitals.

The Department of Health has no objection to enactment of this measure.

Sincerely yours,

Donald A. Macharg

DONALD A. MACHARG
Counsel

10-DAY BILL
BUDGET REPORT ON BILLS

SENATE

Introduced by:

ASSEMBLY

No. 350

Messrs. Laverne, et al.

No.

Law: Education, Civil Practice Law and Rules Sections: Education: 112, 211, 6500 through 7804 (new); CPLR: 4504, subd. (d) (new)

Division of the Budget recommendation on the above bill:

Approve: _____ Veto: _____ No Objection: X No Recommendation: _____

1. Subject and Purpose and 2. Summary of provisions: This bill recodifies the Education Law as it refers to the licensing of various professions; transfers to the CPLR provisions concerning proof of negligence in cases of unauthorized medical practice; authorizes the Department to regulate the professional service corporations which may be established under §1503, Business Corporation Law, and establishes fees for filing of various documents required of such corporations. Although the bill primarily revises and simplifies the Education Law in relation to the licensing of professionals, the bill also makes a few substantive changes in the law; they are listed below:

a. Some provisions are standardized for all professions.

	<u>Current Law</u>	<u>Proposed Law</u>
(1) State Board for Profession:	Three year membership; varying suborganizations for professional hearings. Each established separately within professional group.	Universal formation and five year membership; standard provision for committees on licensing and professional conduct.
(2) Hearings; Procedures:	Separately established for each profession and board; very similar to each other.	Standardizes provision for all professions.

b. Changes within professional groups.

(1) Landscape Architecture:	Minimum age 25.	Minimum age 21.
(2) Public Accounting:	a. Required U.S. citizenship. b. Fee for public accountant biennial registration \$6.	a. Citizenship requirement dropped. b. biennial registration fee raised to \$15.

Date: _____ Examiner: _____

Disposition:

Chapter No.

Veto No.

3. Prior legislative history: In 1970, S. 6825, also recodifying the Education Law pertaining to licensing of professions, was passed by both houses but vetoed by the Governor (veto message #264). Also, two companion bills (S. 8666-A and S. 9411) amending the chapter proposed by S. 6825 were vetoed (veto messages #265 and #266).

This year a number of bills were introduced amending specific provisions concerning the licensing and regulation of professions. This office has been asked to review six of them. A. 5225 and A. 6167-A would amend the current law, while S. 6687, S. 6571, S. 1918-B, and S. 6480 would amend the Chapter proposed by S. 350.

4. Arguments in support:

- a. This bill would recodify the Education Law pertaining to the licensing of professions, simplifying and consolidating the language in the present law, making it concise and understandable.
- b. We understand that the objectionable substantive changes contained in last year's bill leading to its veto have been removed from this bill.
- c. This bill would allow the Education Department to regulate the newly authorized professional service corporations (Chapter 974, L. 1970). These corporations consist of individuals licensed under Title VIII of the Education Law, and it is appropriate that the Education Department have the authority to regulate them.

5. Possible objections: None so far as we can determine.

6. Other State agencies interested: The Education Department is in favor of this bill.

7. Known position of others: Although their positions are not known, professional associations would be interested in this bill.

8. Budgetary implications:

- a. The increase in fees collected for biennial registration for public accountants would be approximately \$72,000, based on the increase from \$6 to \$15 and approximately 8,000 public accountants in the State.
- b. The \$25 fee for issuing a certificate of authority for professional service corporations, the \$10 fee for filing a certified copy of each certificate of incorporation and amendment thereto within 30 days, and the \$10 fee for filing the annual statement required by Section 1504 of the Business Corporation Law would result in an increase in revenues for the State. The budgetary impact is not expected to be significant.

9. Recommendations: The major purpose of this bill is to recodify Title VIII of the Education Law pertaining to the regulation of licensing of various professions by the Education Department. This bill is the result of four years of research by the Joint Legislative Committee to Revise and Simplify the Education Law.

This bill is desirable in that it simplifies and standardizes procedural provisions eliminating unnecessary inconsistencies. However, although we understand that objectionable substantive changes contained in last year's version of this bill have been removed, we do not have the necessary knowledge to verify this. Therefore, this office has a no objection recommendation to this bill.

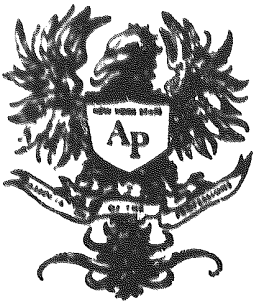
DATE: June 7, 1971

EXAMINER: Charles C. Palmer, Jr.
Ronald M. Stout, Jr.

DISPOSITION:

R. B.

[Handwritten signature]



New York State Association of the Professions, Inc.

420 LEXINGTON AVENUE • GRAYBAR BUILDING • NEW YORK, NEW YORK 10017 • (212) 686-4256

March 31, 1971

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Michael Whiteman, Esq.
Counsel - Legal Division
c/o Governor Rockefeller's Office
State Capitol
Albany, New York 12224

Dear Mr. Whiteman:

The New York State Association of the Professions representing approximately 80,000 professional people in the state wishes you to be informed of our position on S 350, A 359. In your capacity as legal counsel to the Governor, we feel you can better advise him, knowing that our Association's Board of Directors, in executive session on March 9, 1971, voted non-support; opposition to the bill as written. Telegrams were sent to the sponsors of the legislation informing them of our position of opposition.

As with last year's bill, most of the professions have serious objections to the wording of the present legislation. Most of them have had little opportunity to confer with the representatives of the Joint Legislative Committee handling this legislation. In essence the 1971 form of the bill has not been changed from the 1970 version. Most of the professions opposed the 1970 version, tried to change the 1971 version and met with little success. Therefore, they are still strongly opposed at this time.

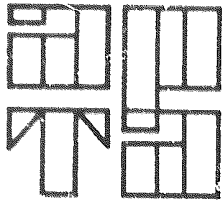
We feel very strongly that, in its present form, S 350, A 359 is not sound legislation for the professions and does not contribute to the public good.

We trust that Governor Rockefeller will hear our plea and veto this bill.

Respectfully

John J. Brennan, D.V.M.
President

JJB/kb



american physical therapy association

1156 15th STREET, N.W. WASHINGTON, D.C. 20005 • (202) 466-2070

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Royce P. Noland

June 4, 1971

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Winchester, Mass.

Mr. Michael Whiteman, Esq.
Council to the Governor
Executive Office Building
Albany, New York

RE: S-350
A359

Dear Mr. Whiteman:

As the immediate past president of the New York Chapter of the American Physical Therapy Association, I am very well aware of the many efforts that have gone into the development of the Professions Bill currently awaiting action by Governor Rockefeller. During my four years as President of the New York Chapter I had the opportunity of working closely with the joint legislative committee considering this major revision.

I am writing at this time to strongly support the Professions Bill with the chapter amendments. I feel that this revision will accomplish the original goals set forth by the legislature, especially in bringing about the consistency within this document.

As Chairman of the Program in Physical Therapy, College of Health Related Professions, State University of New York, Downstate Medical Center, I also recognize that the bill now reflects regulations which are consistent with the philosophy of our educational program.

I strongly urge that the Governor sign this legislation so that it can be immediately put into practice.

Sincerely,

Robert C. Bartlett
Robert C. Bartlett

cc: Robert Sprague
President, New York Chapter
American Physical Therapy Association



COUNCIL ON ENGINEERING LAWS
ORGANIZED 1934
280 MADISON AVENUE
NEW YORK, NEW YORK 10016

212 684-4309

S. 350

June 4, 1971

SPECIAL DELIVERY

The Honorable Michael Whiteman
Counsel to the Govern
Executive Chamber
State Capitol
Albany, New York 12224

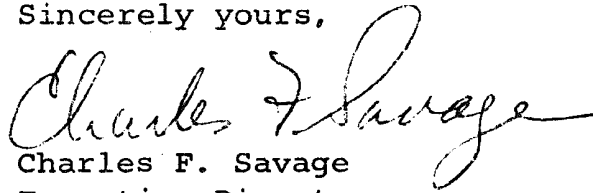
Re: S.350/A.359

Dear Mr. Whiteman:

We have a copy of the American Society of
Civil Engineers' letter of June 3rd signed by the
Executive Director to you re S.350/A.359.

Please put us on record as supporting the
position as set forth in this reference communication.

Sincerely yours,


Charles F. Savage
Executive Director

CFS:es



AMERICAN SOCIETY OF CIVIL ENGINEERS

UNITED ENGINEERING CENTER

348 EAST FORTY-SEVENTH STREET • NEW YORK, N. Y. 10017

June 3, 1971

File: L-2-2.1
5-4-2.2.

Honorable Michael Whiteman
Counsel to the Governor
Executive Chamber
State Capitol
Albany, N.Y. 12224

Re: S. 350/A. 359

Dear Mr. Whiteman:

We are indeed obliged for the opportunity to record our views on S. 350/A. 359, which would amend the education law and which is presently before the Governor for executive action.

It is our vigorous recommendation that the Governor VETO this bill, as adopted, because of the highly inappropriate definition of architectural practice that is set forth in Article 147, Section 7301. Our reasons are that:

1. The education and training of the architect does not qualify him for the broad area of practice that is so loosely defined.

2. The public health and safety will be jeopardized by the allocation of professional responsibility to the architect for the planning, design and construction of structures requiring engineering knowledge, techniques and judgment that the architect does not possess unless he is also a qualified professional engineer.

3. The stated definition of architectural practice will introduce uncertainty and confusion in the interpretation of licensing laws, and will certainly lead to controversy and litigation among practicing engineers and architects.

We also find some aspects of the law relating to licensing of engineers and land surveyors to be objectionable (Article 145). It is understood that these objections are largely satisfied, however, in certain chapter amendments set forth in 1967. Although we recommend the outright


Honorable Michael Whiteman

June 3, 1971

VETO of S.350/A.359, if there is a compelling reason for the Governor to sign the omnibus bill we respectfully urge that he do so only simultaneously with the signing of S.6871.

We regret the necessity for our negative position on this legislation, but we are convinced that the proposed amendments to the architecture, engineering and land surveying licensure laws are decidedly detrimental to the public interest.

Sincerely,


William H. Wisely
Executive Director

BCC: Messrs. R.H. Tatlow III
S.M. Olko
M.M. Specter
Mrs. Charlotte Einersen
All members of CRE
Charles F. Savage

61



56

THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

375 LEXINGTON AVENUE, NEW YORK, N.Y. 10017

212 YU 6-4567

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ROBERT L. GRAY

June 2, 1971

Hon. Michael Whiteman, Esq.
Legal Counsel to the Governor
The Capitol
Albany, New York 12224

IN OPPOSITION TO:
S. 350
The Professions Bill

Dear Mr. Whiteman:

Our Society of 18,000 professional men and women are opposed to Senate 350. We are now in the process of completing our memorandum in opposition to this bill and would deeply appreciate your courtesy in holding your consideration of this measure until we have had an opportunity to present our views to you.

I assume the Society will receive the usual "5 day card" but in order to make sure that our position is known to you, we would appreciate time to get our material in opposition to you and your staff.

Respectfully,

Harold P. C. Howe
New York State Society of
Certified Public Accountants



New York State Veterinary Medical Society

Area Code (315) 724-0906

408 LOMOND PLACE

UTICA, NEW YORK 13502

June 4, 1971

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

8350

Dear Mr. Whiteman:

Senate bill 350, "an act to amend the education law, the civil practice law and rules in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law," introduced by Messrs. Laverne, Bronston, Dunne, B.C. Smith, is before me for comment.

In drafting this bill many hours of study and consultation have been put forth over the past few years. We, of the New York State Veterinary Medical Society, feel that this bill is in the best interest of the professions involved and the general public. We support this bill and respectfully request the governor to sign it into law.

Sincerely yours,

J.F. Donovan, D.V.M.
Executive Secretary

JFD/mm

THE NEW YORK STATE
SOCIETY OF PHYSIOTHERAPISTS, INC.



OFFICE OF THE SECRETARY
JOSEPH KAHN, PH. T.
579 CLINTON AVENUE
UNIONDALE, N. Y. 11553

June 3, 1971

Mr. Michael Whiteman
Governor's Counsel
Executive Mansion
Albany, New York

Dear Mr. Whiteman:

re: SENATE 350
ASSEM. 359

The members of this Society would appreciate your support and approval of the above Profession's Bill WITH THE CHAPTER AMENDMENTS.

Thank you for your continued attention and consideration to this matter.

Yours truly,

JK/j
cc



METROPOLITAN SECTION, AMERICAN SOCIETY OF CIVIL ENGINEERS

PRESIDENT

ELMER B. ISAAK
79 WEST 12th STREET
NEW YORK, N. Y. 10011
(212) 924-4751

SECRETARY

ROBERT SCHUMACHER
15 PARK ROW
NEW YORK, N. Y. 10038
(212) 566-2890

570
April 17, 1971

VICE PRESIDENTS

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M. D. MORRIS

TREASURER

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NO. JERSEY BRANCH

WALTER KRAFT

ASSOCIATE MEMBER FORUM

BERNARD MONAHAN

TECHNICAL GROUPS

AERO-SPACE TRANSPORT
WILLIAM H. SHOEMAKER

CONSTRUCTION

HERBERT WEINSTEIN

FOUNDATIONS & SOIL
MECHANICS

HENRY WASUNG

SANITARY

ROBERT F. BONNER, JR.

STRUCTURES

JEROME IFFLAND

TRANSPORTATION

ROBERT A. OLMSTED

URBAN PLANNING

NATHANIEL PARISH

Hon. Nelson Rockefeller
The Capitol
Albany, New York

Dear Governor Rockefeller:

Professional engineers are strongly opposed to proposed changes in the Education Law contained in the Laverne/Cook Bill, Senate S-350 and Assembly A-359.

By changing the definitions of "Engineering" and "Architecture", this bill would shift the responsibility for the structural safety of a building from the engineer, where it belongs, to the architect, who is not qualified to handle this aspect of design.

At the same time the engineer is made legally responsible for "supervision of construction." This is an unfortunate and inaccurate term, since the contractor supervises the labor and equipment used on the job. The engineer is engaged in "construction management and administration of construction contracts," as well as inspection of the contractor's work.

We sincerely urge your opposition to this defective bill.

Sincerely yours,

Elmer B. Isaak
President Met Section ASCE

NEW YORK STATE OPTICAL RETAILERS ASSOCIATION, INC.

7 HIGH STREET
HUNTINGTON, NEW YORK 11743
(516) 427-2332

150 STATE STREET
ALBANY, NEW YORK 11207
(518) 472-9166

REPLY TO: HUNTINGTON OFFICE
 ALBANY OFFICE

June 11, 1971

Honorable Nelson A. Rockefeller
Governor of the State of New York
Executive Chamber
State Capitol
Albany, New York

Dear Governor Rockefeller:

Memorandum in Support of S-350
S-412A

An Act to amend the education law, the civil practice law and rules,
in relation to the regulation and practice of certain professions.

We are writing to urge your approval of the above captioned bills.

These bills are the result of several years work by a Joint Legislative
Committee which worked in close cooperation with all of the associations
and societies representing licensed professionals. The bill merely
recodifies and clarifies existing law in clear and concise language
and incorporates additional administrative safeguards for disciplinary
proceedings.

This memorandum is presented on behalf of our Association which is com-
prised of firms engaged in the retail sale and dispensing of corrective
eyeglasses and contact lenses. These retail firms employ licensed op-
tometrists to perform eye examinations and where needed to prescribe
glasses, which, in turn are dispensed by the licensed ophthalmic dis-
pensers (opticians) employed for that purpose. Our member firms, and
other similarly operating retail stores throughout the state, dispense
more than 40% of the total number of eyeglasses purchased in the state.

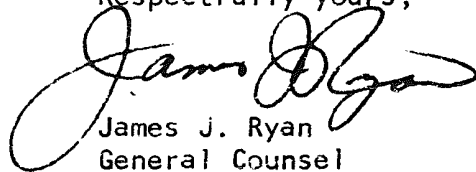
A careful analysis of these bills reveals that there are no major sub-
stantative changes, and any minor changes in the area of either optometry
or ophthalmic dispensing have received the support of all the groups in-
volved.

At the present time the education law is difficult to read and analyze due to the plethora of amendments, changes and varying language styles that have arisen over the several decades since its last revision. These bills obviate these difficulties, and in our opinion, represents a very significant improvement over the existing statute.

We would further like to point out that the members of the former Joint Legislative Committee, that committee's staff, and the standing committees of both houses, have held several public hearings and have been available year round to discuss changes, accept suggestions and recommendations, and to explain the intent of each section of the bill. It is through their diligence and the continuous interest of everyone affected by this bill that a truly model revision bill has emerged.

We sincerely hope that these bills will be enacted into law.

Respectfully yours,



James J. Ryan
General Counsel

JJR/bls



AMERICAN SOCIETY OF CIVIL ENGINEERS

UNITED ENGINEERING CENTER

345 EAST FORTY-SEVENTH STREET • NEW YORK, N. Y. 10017

June 3, 1971

File: L-2-2.1
5-4-2.2

Honorable Michael Whiteman
Counsel to the Governor
Executive Chamber
State Capitol
Albany, N.Y. 12224

Re: S.350/A.359

Dear Mr. Whiteman:

Further reference is made to my letter to you under date of June 3 concerning S.350/A.359, which amends the education law.

The enclosed reprint is furnished in support of our position in opposition to the definition of the practice of architecture that is contained in the omnibus bill.

Sincerely,


William H. Wisely
Executive Director

Enc.



A word with the Executive Director about

Engineering-Architecture interprofessional practice

The interface between civil engineering and architectural practice—if there is one at all—is a frail and tenuous one indeed. It has now become a sort of trackless jungle, where a variety of traps and snares awaits the unwary traveller.

One such ambush is the suit filed by a registration board charging a practitioner not registered by the board with illegal practice. By this tactic the profession represented by such board is able to fence off its jurisdictional area as defined in the registration law—with all costs being borne by the taxpayer!

Most of these laws have little or no bearing upon the real purpose of the registration law, which is to protect the health, safety and welfare of the public.

The record will show that the architectural registration boards are particularly active in filing charges of encroaching practice against engineers. Rarely does an engineering registration board file such charges, even though architects commonly produce designs in which their competence may be doubtful, such as foundations and structures. Perhaps some engineers are reluctant to file charges against architects because they are occasionally employed by architects as clients. In any event, the architectural registration boards are definitely more aggressive in policing the laws they administer.

Most regrettably, the registration law itself is being used as a gambit for establishing and broadening the legal scope of professional practice, without regard for the education, training and competence of the practitioner. Typical of this strategy is the campaign generated by the National Council of Architectural Registrations Boards, with its 1970 "Legislative Guidelines." This document was drafted jointly by the NCARB Professional Relations Committee and the Committee on Li-

censing of the American Institute of Architects.

The NCARB guidelines include the following recommended definition of architectural practice:

The practice of Architecture, within the meaning and intent of the licensing statute, consists of rendering or offering to render those services, hereafter described, in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings and specifications, construction management and administration of construction contracts. The term "structures" is intended to include all the components which a structure comprises including, where appropriate, structural, mechanical, and electrical systems. No person not licensed or otherwise permitted to practice under the licensing statute shall engage in the practice of architecture when the public health, welfare or safety is affected by such practice. Except as provided in IV B, no person licensed shall use the title "architect" or otherwise represent to the public that he is licensed to practice architecture.

Obviously, if this definition is enacted into the state registration laws, *all environmental design professions would be subordinated to architecture!*

The ASCE Board of Direction has recorded its vigorous objection and "determination to offer strenuous resistance" to the proposed guidelines (see CIVIL ENGINEERING October, 1970, p. 89). The Interprofessional Council on Environmental Design (ICED) has also recorded its objections to the NCARB Legislative Guidelines as now promulgated.

The American Institute of Architects has approved the "guidelines" in principle but has not taken definitive action to adopt them because of the unfavorable reaction that has been aroused. The official AIA position is

academic, however, because *local units of AIA about the country are already moving to bring about the introduction of amendments to state architectural registration laws in accordance with the NCARB proposals!*

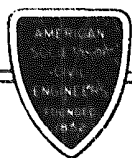
Such amendments to architectural registration laws have been put before the legislatures of New York, Nebraska, Washington and Pennsylvania, and possibly other states. All ASCE Local Sections in these states have been alerted to the situation and urged to oppose the proposed amendments in every way possible. A "power play" in Connecticut was nullified by the vigorous resistance of the National Engineers Legal Fund and the Connecticut Society of Professional Engineers.

There must be a better way for civil engineers and architects to establish a working relationship that gives primacy to the interests of the client over self-interest. ICED gave promise of being such a medium when it was formed in 1963. Unfortunately, it has in some ways been used deviously to divert attention from unilateral activity.

The danger here is that through misuse of the registration laws as a claim-staking device for establishing the jurisdictional areas of practice, the professions may lose their present privilege to administer their own registration standards and procedures. There is already restiveness in some states with regard to lay representation in professional registration boards. Should this trend develop to the extent that the state boards become subjugated to political caprice and machinations, the public and all professions will be in real trouble.

Exposure and confrontation of this problem is long overdue. It deserves the empathy and statesmanship of the topmost leadership in civil engineering and architecture. ◊

W. H. Wisely



AMERICAN SOCIETY OF CIVIL ENGINEERS

UNITED ENGINEERING CENTER

345 EAST FORTY-SEVENTH STREET • NEW YORK, N. Y. 10017

June 3, 1971

330
File: L-2-2.1
5-4-2.2.

Honorable Michael Whiteman
Counsel to the Governor
Executive Chamber
State Capitol
Albany, N.Y. 12224

Re: S.350/A.359

Dear Mr. Whiteman:

We are indeed obliged for the opportunity to record our views on S.350/A.359, which would amend the education law and which is presently before the Governor for executive action.

It is our vigorous recommendation that the Governor VETO this bill, as adopted, because of the highly inappropriate definition of architectural practice that is set forth in Article 147, Section 7301. Our reasons are that:

1. The education and training of the architect does not qualify him for the broad area of practice that is so loosely defined.
2. The public health and safety will be jeopardized by the allocation of professional responsibility to the architect for the planning, design and construction of structures requiring engineering knowledge, techniques and judgment that the architect does not possess unless he is also a qualified professional engineer.
3. The stated definition of architectural practice will introduce uncertainty and confusion in the interpretation of licensing laws, and will certainly lead to controversy and litigation among practicing engineers and architects.

We also find some aspects of the law relating to licensing of engineers and land surveyors to be objectionable (Article 145). It is understood that these objections are largely satisfied, however, in certain chapter amendments set forth in S.6871. Although we recommend the outright

MEMBER OF ENGINEERS JOINT COUNCIL

Honorable Michael Whiteman

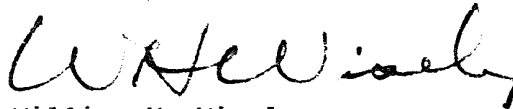
2.

June 3, 1971

VETO of S.350/A.359, if there is a compelling reason for the Governor to sign the omnibus bill we respectfully urge that he do so only simultaneously with the signing of S.6871.

We regret the necessity for our negative position on this legislation, but we are convinced that the proposed amendments to the architecture, engineering and land surveying licensure laws are decidedly detrimental to the public interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. H. Wisely".

William H. Wisely
Executive Director

THE NEW YORK STATE
SOCIETY OF PHYSIOTHERAPISTS, INC.



OFFICE OF THE FIRST VICE PRESIDENT & LEGISLATIVE CHAIRMAN
LESTER LUBIN, P.H.T.
131 SOUTH OCEAN AVENUE
FREEPORT, NEW YORK 11520

June 7, 1971

Michael Whiteman, Esq.
Governor's Counsel
Executive Mansion
Albany, N.Y.

RE: S. 350
A. 359

Dear Sir:

The Physical Therapists of New York State strongly support passage of the above bills with the inclusion of all the chapter amendments.

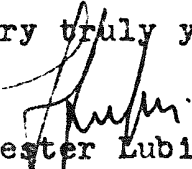
The bill as presented with the chapter amendments does much to modernize and simplify the " Education Act " and in particular, in the Physical Therapy Section, does much to equate the law with what is now acceptable practise.

In the definition of the practise of physical therapy, the phrase that states that physical therapy treatments be rendered pursuant to referral by physician, most accurately describes what has been acceptable practise for many years. As we define referral, the patient is referred by a physician to the physical therapist for treatment, after medical diagnosis, and the physician would at all times retain medical responsibility for the patient.

We also note that for the first time a State Board for Physical Therapy is established.

If we can be of any further assistance please feel free to call on us.

Very truly yours,


Lester Lubin, R.P.T.
Legislative Chairman

The DENTAL SOCIETY of the STATE OF NEW YORK

CONSTITUENT OF THE AMERICAN DENTAL ASSOCIATION

70 EAST FORTY-SECOND STREET, NEW YORK, N. Y. 10017

212.986-3937

LEGISLATIVE MEMORANDUM

TO: Michael Whiteman
Counsel to the Governor

LEGISLATION S. 350 A. 359 (Prefiled)
An ACT To amend the education law, the civil practice law and rules, in relation to the regulation and practice of certain professions; to continue the dental society of the state of New York and the podiatry society of the state of New York and repealing sections one hundred twelve, two hundred eleven, and title eight of the education law.

MEMO IN This Society would support Prefiled S. 350 and A. 359 as
SUPPORT regards the General Provisions (omnibus section) and the Chapter inclusions as contained in Article 133, Dentistry and Dental Hygiene.

This support and approval would continue only as it relates to S. 350 and A. 359.

Chapter If subsequent action by the Legislature, evolves in the
Opposition passage of S. 1918-A or A. 2065-A which mandates a change in the definition of the profession of nursing to read "The practice of the profession of nursing is defined as diagnosing and treating human responses to actual or potential health problems through services as casefinding, health counseling, and provisions of care supportive to or restorative of life and well being" this Society would be opposed, as not in the best interests of the public.

To be qualified for the broad scope of full responsibility which would be established by this definition, a nurse would require education and training equivalent to that required for a physician and/or dentist.

Percy T. Phillips, D.D.S.
Secretary

The proposed Chapter Amendment if adopted would remove the need for a physician and/or dentist to issue orders concerning treatment and medication of a patient.

6/2/71

Joseph F. Addonizio
Legislative Representative
518-434-6111

S-350

New York State Council of Churches

3049 East Genesee Street, Syracuse, N. Y. 13224

Telephone 315-446-6151

REV. THEODORE L. CONKLIN
Associate General Secretary

REV. KENNETH A. ROADARMEL
General Secretary

The Legislative Commission

REV. LEON ADKINS, JR.

CATHERINE & TEN BROECK STS.

SCOTIA, N. Y. 12302

PHONES

518-372-9575 OFF.

518-346-0915 RES.

PHONES

SYRACUSE AREA CODE 315

OFF. 446-6151

RES. 472-1915

ALBANY AREA CODE 518

ALBANY--489-8441, 434-4141

May 14, 1971

The Honorable Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Dear Sir:

The New York State Council of Churches has watched with interest the bill of the professional acts including the major bill S 350 by Mr. Laverne and implementation bills regarding the nursing profession as to definition of nursing. We believe that these bills would help to set forth quality services without obstructing the medical profession. We would, therefore, support and recommend to the Governor that he sign Senate 1918 A regarding the education law and the companion bill A 2065, commonly called the nurse practice act.

For the Legislative Commission,

RTC/es

Rev. Robert T. Cobb, Director
The Legislative Commission



ROCHESTER GENERAL HOSPITAL

1425 PORTLAND AVENUE
ROCHESTER, NEW YORK 14621

CODE 716 266-4000


January 22, 1971

Governor Nelson A. Rockefeller
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Rockefeller:

I would like to express my whole-hearted support for the amendments to the Professions Bill (S-350, A-359) introduced by Senator Thomas Laverne and Assemblymen Pisani and Levy in regard to the profession of Nursing. The amended definition of Nursing is particularly important. It will permit the professions of Nursing and Medicine to work together to develop better, more complete, better distributed health care.

Yours sincerely,


J. Raymond Hinshaw, M.D.
Chief of Surgery

JRH/cw

ROBERT H. JONES III
ATTORNEY AND COUNSELOR AT LAW
111 WASHINGTON AVENUE
ALBANY, NEW YORK 12210

ROBERT H. JONES III
GEORGE W. HARDER

462-5586
AREA CODE 518

June 9, 1971
[Transcribed June 14, 1971]

Michael Whiteman, Esquire
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York, 12224

Re: S. 350 (Laverne et al.) A. 359 (C. E. Cook et al.)

Dear Mr. Whiteman:

The New York Chapter of The American Physical Therapy Association Inc. appreciates your interest in its views on the foregoing bill to amend the Education Law and other statutes in relation to the regulation and practice of certain professions.

The Chapter strongly commends this bill to the Governor's approval so far as it proposes to editorially clarify and simplify existing professional practice laws. Although it believes the bill falls far short of its original mark, and much more in the way of clarification and simplification still remains to be accomplished, it is satisfied that, on balance, the bill is a substantial step forward in long overdue editorial revision of these laws.

However, the Chapter respectfully invites your attention to the fact that, while the bill comes before the Governor as an editorial, rather than substantive, revision, the requirement in its proposed definition of physical therapy practice [vide proposed Education Law section 6531] that physical therapy treatment "be under the supervision of a physician" could be construed as a substantive and extremely undesirable limitation on physical therapy practice. The Chapter strongly opposes this requirement, which, interpreted literally, would (1) conflict with bill section 4 [Transitional Provisions] subsection 1's declaration that bill section 2 "shall not affect or modify the following as they existed before [the bill's enactment . . . :

June 9, 1971

Page 2 of 2

. . . (2) Rights previously acquired; (3) The scope of the practice of any profession contained in . . . [the bill]", and (4) adversely affect the present practice of physical therapy. The Chapter understands the objectionable requirement was incorporated in the bill at the behest of the Medical Society of the State of New York, and believes the Governor is entitled to regard it as additional evidence of that Society's disposition to establish a substructure of private control over all healing-arts practice.

Accordingly, the Chapter expressly conditions its commendation of this bill on the Governor's approval of S. 6887 (Rules Committee), now before him, to amend proposed Education Law section 6531 to require only that physical therapy treatment be pursuant to "referral" or "prescription" by a physician instead of "under the supervision" of a physician. S. 6887 reflects the present and long-standing practice of physical therapy and the effective relation of physician and physical therapist.

Sincerely,

j:6

By messenger

cc: The New York Chapter of The American
Physical Therapy Association Inc.

447 107

350

ROBERT H. JONES III
ATTORNEY AND COUNSELOR AT LAW
111 WASHINGTON AVENUE
ALBANY, NEW YORK 12210

ROBERT H. JONES III
GEORGE W. HARDER

462 5688
AREA CODE 518

June 9, 1971
[Transcribed June 14, 1971]

Michael Whiteman, Esquire
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York, 12224

Re: S. 350 (Laverne et al.) A. 359 (C. E. Cook et al.)

Dear Mr. Witeman:

New York State Nurses Association appreciates your interest in its views on the foregoing bill to amend the Education Law and other statutes in relation to the regulation and practice of certain professions.

The Association strongly commends this bill to the Governor's approval so far as it proposes to editorially clarify and simplify existing professional practice laws. Although it believes the bill falls far short of its original mark, and much more in the way of clarification and simplification still remains to be accomplished, it is satisfied that, on balance, the bill is a substantial step forward in long overdue editorial revision of these laws.

However, the Association respectfully invites your attention to the fact that, while the bill comes before the Governor as an editorial, rather than substantive, revision, its proposed definition of registered professional nursing [vide proposed Education Law section 6901] does not accurately or adequately define either the present or the reasonably foreseeable future scope and nature of that practice and, notwithstanding the direction in bill section 4 [Transitional Provisions] that bill section 2 "shall not affect or modify . . . [either] Rights previously acquired . . . [or] The scope of the practice of any profession" as they existed before its enactment, could be construed as a substantive and extremely undesirable limitation on professional nursing practice.

ROBERT H. JONES III

Michael Whiteman, Esquire

June 9, 1971

Page 2 of 2

Accordingly, the Association expressly conditions its commendation of this bill on the Governor's approval of S. 1918-B (Laverne), now before him, to amend proposed Education Law section 6901 and define both professional and practical nursing in terms which comport with the present practice of each of those professions.

Sincerely,

j:6

[Handwritten signature]
NOT READ
IN THE ABSENCE

By messenger

cc: New York State Nurses Association

WEST GENESEE HILLS VETERINARY HOSPITAL
ROBERT W. FUESS, D. V. M.
305 KASSON ROAD, CAMILLUS, N. Y. 13031
TELEPHONE HU 8-6392

8-350
May 24, 1971

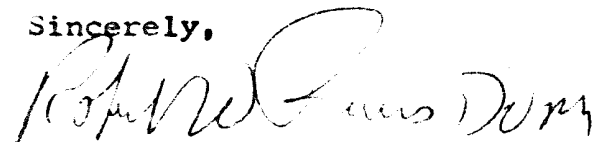
Michael Whiteman
Consul to Governor Rockefeller
Albany, New York

Dear Mr. Whiteman:

I would like to express my opinion and request that you
notify the Governor that we support and favor Bills

S-350 Education Law Simplification
S-5733 Animal Technician Bill

Sincerely,


Robert W. Fuess, D.V.M.
Central New York Veterinary
Medical Association-President

RF/im

S-350

Burrstone Animal Hospital

1700 BURRSTONE ROAD
NEW HARTFORD, NEW YORK 13413

315 — 735-9585

J. L. JACKSON, D.V.M.

H. H. BOND, JR., D.V.M.

May 26, 1971

Mr. Michael Whiteman
Consul to Gov. Rockefeller
Albany, New York

Dear Mr. Whiteman:

I would like to express support for
the two following bills:

- S - 350 - Education law simplification
- S - 5733 - Animal Technician Bill

Other veterinarians in my area have
also expressed support in these and
we are hopeful of their passage.

Your truly,



HAROLD BOND, JR. D.V.M.
BURRSTONE ANIMAL HOSPITAL
1700 BURRSTONE ROAD
NEW HARTFORD, N.Y. 13413



New York State Veterinary Medical Society

49 Congers Road
New City, N. Y. 10956

May 28, 1971

Honorable Michael Whiteman
Counsel to the Governor
Governors Office
Capitol Building
Albany, New York

Dear Sir:

On behalf of the Veterinarians in Westchester and Rockland Counties who I represent on the Executive Committee of our State Society, I respectfully request that Governor Rockefeller act favorably on S350 and S5733. S350, an Act to Revise and Simplify the Education Law is acceptable to our profession and S5733, an Act to Register Veterinary Technicians is a badly needed addition for our rapidly maturing profession.

I wish to thank you and Governor Rockefeller for considering our request.

Sincerely,

John B. McCarthy
John B. McCarthy, D.V.M.
Member Executive Board

JBM:dm

LEO A. WUORI, D.V.M.
442 NO. TRIPHAMMER RD.
ITHACA, NEW YORK 14850
PHONE: 667-273-8171

June 1, 1971

Mr. Michael Whiteman
Counsel to the Governor
Capital Building
Albany, New York 12224

Dear Mr. Whiteman:

As Executive Board member of the New York State Veterinary Medical Society representing the veterinarians in the Southern Tier I would urge the Governor to sign bill 9350, revision of Education Law, as a step that our profession has been working on and looking forward to for a number of years.

The members in our area are in agreement on this law and would like to see it signed.

Sincerely,

Leo A. Wuori
Leo A. Wuori, D.V.M.

cb/LAW

LEO A. WUORI, D.V.M.
442 NO. TRIPHAMMER RD.
ITHACA, NEW YORK 14850
PHONE: 667-273-8171

June 1, 1971

Mr. Michael Whiteman
Counsel to the Governor
Capital Building
Albany, New York 12224

Dear Mr. Whiteman:

As Executive Board member of the New York State Veterinary Medical Society representing the veterinarians in the Southern Tier I would urge the Governor to sign bill 4350, revision of Education Law, as a step that our profession has been working on and looking forward to for a number of years.

The members in our area are in agreement on this law and would like to see it signed.

Sincerely,

Leo A. Wuori
Leo A. Wuori, D.V.M.

cb/LAW

DR. GORDON G. MORROW
127 THOMPSON ROAD
SYRACUSE 6, N. Y.

5/26/71

Mr. Michael Whiteman
Counsel to the Governor
Governor's Office
Capital Bldg.
Albany, New York.

Dear Sir:

Having worked with and for the
S-350 and S-5733 a chapter am indebted to
S-350, as a member of the NYSVMS
Executive Board for the past 5 years
I urge you to recommend that the
Governor sign their bills into law.

Thank you.

Gordon G. Morrow, M.D.

Dr. Richard C. Grambow

Phone: 468-3446

FAIRMOUNT ANIMAL HOSPITAL

3705 W. Genesee Street

Syracuse, New York 13219

350
Mr. Michael Whiteman
Consul to Governor Rockefeller
Albany, New York

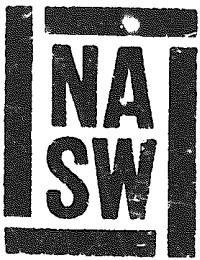
Dear Sir,

I am writing to ask that
Governor Rockefeller support
the following bills:

- S-350 Education Law
Simplification
- S-5733 Animal Technician
Bill

Thank you,

Richard C. Grambow
DVM



NATIONAL
ASSOCIATION
OF
SOCIAL
WORKERS
INC.

NEW YORK STATE COUNCIL
OF CHAPTERS

5-3570
May 31, 71

MRS. MARY HICKOK
Chairman
107 James Street
Syracuse, N. Y. 13202
(315) GR1-8126

MRS. NORMA FLEISCHER
Legislative Consultant
R. D. 1 Box 129
Valatie, N. Y. 12184
(518) 684-6431

To: Michael Whiteman

Subject: S. 350 - A. 359

I am pleased to find this bill on the
governor's desk and I strongly urge that
he sign the bill.

It has been reviewed by our
legislative representative of the State
Council of Social Workers as well as
our executive committee.

We of course are interested in the
section which relates directly to
the licensing of social workers.
We would have preferred our own
licensing bill S 4033 but we were
not able to get it released from
committee. We do believe that
this bill would provide for the
licensing of social workers and
it would be of benefit to the
profession.

→ Dad talked to Senator Foverone in
regard to the bill and also to Mrs.
Cook.

We hope the governor will
sign the bill.

Thomas F. Leischer
For: NASW

IN OPPOSITION TO

Sp 16

S. 350 (Laverne); A. 359 (C. Cook)

AN ACT...to amend the education law...in
relation to...certain professions.

Harold P. C. Howe

New York State Society of
Certified Public Accountants

355 Lexington Avenue
New York City
YUkon 6 4567

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THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

355 LEXINGTON AVENUE, NEW YORK, N. Y. 10017

212 YU 6 4567

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WILLIAM M. GIPS
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RICHARD H. GOLDBERG

COLIN FARR
SAMUEL B. TRAUM

June 8, 1971

Hon. Michael Whiteman
Legal Counsel to
Governor Rockefeller
The Capitol
Albany, New York 12224

IN OPPOSITION TO:
S. 350 (Laverne); A. 359 (C. Cook)

AN ACT...to amend the education
law...in relation to...certain
professions.

Dear Mr. Whiteman:

The above captioned bill is substantially the same as last year's S. 6825; A. 2646 and carries the identical caption as description. The 1970 bill was vetoed by Governor Rockefeller because of its proposed substantive changes since the purpose of the legislation was to merely clarify and simplify the law as stated by the Governor in his veto memo. (attached)

Although designated as a clarification and simplification measure what the bills really attempt under their veneer of clarification and simplification is to embody the State Education Department's position that control of the Professions should be taken over completely by the Department.

This discussion of the bills original purpose is a clear example of long and expensive studies producing change for change's sake, without the slightest evidence to establish the need for such change. The actual simplification of the law could have been accomplished quickly and inexpensively if departmental pressures had not sidetracked the original purpose of the legislation.

Governor Rockefeller in his veto of the 1970 version of S. 350 said - "In the Committee's memorandum in support of the bill, the Committee states that the objective of the recodification was merely a simplified and clarified restatement of the law, making no substantive change in the regulation of professional practice."

This is a clear and succinct statement of legislative intent regarding the scope of this project. If it had been adhered to the present crisis between the Professions and the Department would have been avoided.

Instead - the 1971 version (S. 350; A. 359) still has the same major defects, pointed out by Governor Rockefeller, and is replete with improper substantive changes far beyond its proper scope.

Consequently opposition to this controversial bill is substantial including the New York State Association of the Professions which thru its constituent members represents some eighty thousand professional men and women including eighteen thousand Certified Public Accountants. (please see attachment section)

It is significant to note that more than seventy bills regarding the professions are listed in the 1971 Legislative Index. This fact, in itself, is an objective measure of the turmoil and opposition provoked by the arbitrary provisions of Senate 350.

Another dramatic measure of the opposition to Senate 350 is shown in the recent Assembly vote on this bill. The dilemma of the advocates of this ill-advised legislation is revealed by the maneuverings which took place.

On May 13th S. 350 was first moved to the floor of the Assembly but was hastily withdrawn when opposition appeared. The next attempt to pass the bill was tried on May 17th and resulted in prolonged debate. On the vote S. 350 lost by nine votes - the bill received only 67 votes of the required minimum of 76 votes. At this point the bill was defeated - but the sponsor moved to table the bill. On May 21st the bill was brought up for its last chance and again there was prolonged debate. After a slow roll call the clerk announced 80 ayes. When this written roll call was released it showed 83 in favor. Those familiar with the process will understand the closeness of the vote.

However - the very narrow margin by which the bill passed is clear evidence of the doubts many had as to the wisdom and need for this controversial legislation. The New York State Association of the Professions opposed the bill to the very end and its statement in opposition was read during the floor debate in the Assembly on May 21st.

Opposition to this year's legislative version has focused around these major issues:

1. Substantive Changes

This bill (S. 350; A. 359) like its predecessor last year (S. 6825; A. 2646) suffers from the same

major defects emphasized by Governor Rockefeller. The legislation was initiated only to clarify and simplify the law - instead it attempts to make material substantive changes which have no authorized place in this bill. Significantly, some of these substantive changes involve a re-organization of departmental professional committees and the transfer of rights and privileges to the Department.

2. Budgetary Implications

The bill could well increase the budget of the State Education Department. Every profession (eighteen or more) will have new Boards and Committees, supervision, operating increases and expense items. These increases will be required to finance the new controls and administration which the Department wants to wield over the professions. In addition, the registration fees of these professions are involved with their potential effects on budgets.

Some provisions, like Section 6452, (pg. 150) would amend the Education Law to grant major funds to widened education. This is only one example of new projects proposed for the professions which will increase the Departmental budget. These are a few examples of provisions with fiscal impacts during a difficult financial period for the State.

3. Increased Controls over the Professions by the State Education Department

When S. 350 is analyzed in depth it becomes increasingly clear that its major thrust this year is to increase and tighten the Department's control and domination over the professions. The straight-jacket of rigid regulation is being placed inexorably over the shoulders of thousands of professional men and women depriving them of just rights and privileges which they have exercised responsibly in the public interest for many years. There is no evidence or complaint submitted that they have acted irresponsibly. Rigid regulation will destroy professional self-discipline.

Witness the following quote from Governor Rockefeller's veto message of last year's similar legislation: "...the bill would significantly alter the substantive coverage of the law, access to the various professions covered and rights of professional groups and individual professionals."

S. 350 would eliminate separate and different professional committees of long standing and combine them under one Secretary - the better to control them; it would take away the existing privilege of the professions to successfully name members of these committees whom they know to be qualified - thereby ensuring Departmental control; it would waive examinations and citizenship requirements at its discretion; etc. These new provisions, not in existing law, excite the concern expressed in the above quote from Governor Rockefeller - and expose the reality of the fears of the professions in opposition to this further transfer of control.

4. Dissatisfaction with Proposed Bill

This year's bill (S. 350; A. 359), instead of correcting last year's defects pointed out by Governor Rockefeller and the professions, has the same basic weaknesses. No professional organization is happy with this bill nor does it satisfy their needs. Instead, we find the majority oppose this bill as they did last year. Dissatisfaction with S. 350 is widespread and grows as its somewhat questionable purposes become better understood.

CONCLUSION

Governor Rockefeller laid down the master guidelines for this legislation in his message vetoing last year's bill (S. 6825; A. 2646).

Both the 1970 and 1971 bills (S. 350; A. 359) have identical captions or descriptions and for all practical purposes they are similar bills.

As the Governor stated, the purpose of this legislation was to clarify and simplify the law and not to make substantive changes as Senate 350 does.

In so finding he put his finger on the crux of the fallacies underlying the bills.

Reducing wordage and simplifying a law are sound purposes with which most would agree. But these objectives can readily be accomplished without substantive changes in that law.

If procedural changes such as reducing the number of steps in a process are desirable, they too can be achieved without substantive changes such as a Departmental reorganization.

There is no justification for the substantive changes proposed in this legislation. Certainly these substantive changes do not serve the best interests of the public or the professions and they are far outside the scope of this legislation.

No evidence has been submitted or complaint made that the professions have acted irresponsibly or contrary to the public interest under the existing law which Senate 350 seeks to unnecessarily and substantively change.

The Department has adequate supervision already under existing law regarding the professions, but this bill provides for "overkill" regulation and unjustified transfer of rights and privileges.

The almost complete lack of responsive and meaningful communication between the drafters of this bill and the professions it concerns has resulted once again in unacceptable legislation.

In view of the large scale and responsible opposition to Senate 350; Assembly 359; and the very narrow margin of approval in the Assembly, this Society joins with other organizations in strongly urging your negative report and its veto by Governor Rockefeller.

Respectfully submitted,



Harold P. C. Howe
The New York State Society of
Certified Public Accountants

N. B. A more detailed analysis of the unsatisfactory substantive changes proposed by this bill are set forth in the attached memorandum.

OPPOSITION OF THE PROFESSIONS

The New York State Society of Certified Public Accountants was founded in 1897. It has 18,000 members and 10 Chapters throughout the State. As one of the learned professions, admission requires a four year baccalaureate degree, two years public accounting experience and passage of a rigorous examination (a Master's degree and one year's experience is also acceptable).

The Society has conscientiously followed all of the requirements and activities of the Joint Legislative Committee to Simplify the Education Law since 1964. It has submitted numerous statements, documents, drafts and complied with every official request of the Committee and its successor over these years. (R. L. Gray letter 1/21/71 attached). Our Special Committee set up to follow this project has retained the same individual membership except for deaths. Thus we have a rather unique intellectual continuity in our studies of the matter before us.

Based on this long and continuous relationship with this legislation, we respectfully submit this statement in opposition and strongly urge that you direct your most concerned attention to the Governor's veto message rejecting similar 1970 legislation. The Governor said and we quote:

"In the Committee's memorandum in support of the bill, the Committee states that the objective of the recodification was merely a simplified and clarified restatement of the law, making no substantive change in the regulation of professional practice."

This statement presents the crux of the fallacy which underlies the sponsors work of the past several years. The original purpose of the project has been largely sidetracked. Drastic substantive changes have been proposed in the legislation introduced including, among others, an internal reorganization of the professional unit of the State Education Department itself which has no proper place in this legislation (Section 6508).

In addition to other defects S. 350 by upsetting traditional rights of the professions demeans their professional status and tends to make them subservient to lower echelon departmental employees through the process of delegation. Appointments to professional committees is a case in point of a substantive change which cannot be disguised as simplification or procedural. Here we have a traditional privilege (in usage for some twenty years) being withdrawn from the professions (the appointment of one of their nominees). Heretofore the accountancy profession submitted three names for these appointments and the Regents selected one. In Senate 350; Section 6508.4 it now provides -- "regents shall not be required to appoint candidates so nominated".

In this protest and in strong opposition to S. 350; A.359; the Accountancy profession joins with the New York State Association of the Professions as we did last year in successfully urging a veto of this bill by Governor Rockefeller. Their telegrams of opposition to S. 350 have been registered with Senator Brydges, Senator Laverne and other legislative leaders. Thus the same professional forces, as last year, are again aligned against this bill because of its defects and adverse effects on the professions and their membership throughout the State including their patients and clients.

As this Society has consistently stated for the past several years we believe that professional men and women in this modern world are intellectually sophisticated and have sufficient professional expertise to control their own destinies in the inner world of their professions and in the outer world of the public welfare and the public interest without interference and harassment.

THE PROBLEM IN THE BROAD

The professions welcome assistance but abhor and oppose domination.

While the basic objective of this legislative project, begun in 1964, was merely to simplify and reduce wordage in the professional section of the Education Law, it has been sidetracked into a major diversion of its original scope which instead of assisting the professions (as piously stated in S.350) -- extends the means of domination.

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In its present form this year as S. 350 the bill contains, as in last year's version, major substantive changes of a complex and anti-professional nature. There is a wide gulf between the two legislative concepts of simplification of wording and making substantive changes in a law which materially affect professional relationships.

For example - the proposed internal administrative (not procedural) reorganization of the professional units within the Education Department is an illustration of how a substantive change, with completely different purpose than simplification, was "slipped into" the bill with no valid relation to the original objectives.

One of the main problems the professions have had with this legislation over the years, aside from an almost complete lack of meaningful communications, is that this legislation was used improperly and unethically.

Today, the bill (S. 350) opens up a wide new area which lends itself to the transfer of rights and controls from the professions to the Education Department which it is contended will have gravely adverse effects on the public interest and the public welfare served by the professions.

Because of these broad considerations and the major substantive surgery performed on the existing law and hidden semantically as simplification, clarification and "procedural" changes, it is only logical that the New York State Association of the Professions, including the Accountancy profession, are again forced to oppose this type of legislation -- as we did last year.

In passing it should again be noted that last year Governor Rockefeller also found it necessary to veto similar legislation (S. 6825-Dominick) stating that the legislation was originally proposed to simplify the law and not to introduce substantive changes - which is the basic position of the professions.

Most of those opposing S. 350 approve the principles of simplification and clarification but the attempt to improperly introduce substantive changes in the existing law and to provide one set of rules for all professions (health, economic, physical and social sciences, etc.) has created more problems than it has solved. Our complex and

heterogeneous Society is not yet ready for this simplistic approach. To be accomplished successfully requires a talent for clear thinking, scholarly research, impartial formulation and drafting ability not apparent in the present undertaking.

In 1971 the State Administration faces a most serious financial and budget crisis. This legislative bill (S.350; A.359) will inevitably lead to increased costs and increased budgets in the State Education Department. Despite the sponsors simple statement that "There are no budgetary implications" -- it is so obvious that they misrepresent the facts -- there is no need to labor the point. S. 350 will add to the State's budget problems.

LEGISLATIVE HISTORY

The early history and development of this legislative project started in the 1964 period in informal talks between legislators and a few members of the professions. As far as is known the Education Department was not involved at this early time. The project was conceived in the minds of a few leading legislators who thought the Education Law had grown voluminously and was far too wordy.

Some thought was given to introducing a computer approach for electronic identification, storage and instant retrieval of sections of the law. The computer plan would have helped legislators, researchers, the professions, etc. who were not on a basis of daily use or familiarity with these statutes. Contacts were made to consider feasibility studies. However, the plan was never implemented - perhaps because computer technology ten years ago was not in its present more highly developed stage.

At any rate, the emphasis swung back to the manual method of simplifying the law by reducing excess wordage which had become imbedded in the law over the years. About this time a Joint Legislative Committee to study the problem was established.

With the creation of the J.L.C. problems of work load in carrying out the mission of simplifying the law were soon encountered. Offices and staff help for the J.L.C. were set up in the State Education Department building and soon the influences of Departmental personnel became apparent in drafting and conference work.

From the time the JLC staffers moved into the halls of the Education Department to continue their study and research, a turning point in the direction of such study and research seemed to have occurred. The original purposes of clarification and simplification of what seemed to many to be a cumbersome law were lost in the department's apparent desire to exercise more substantial control over the professions.

Since this time, bills have been introduced in five successive legislative sessions. The bills, although termed as simplification and clarification bills, did in fact represent primarily the thinking of Education Department personnel seeking control of the professions more than they did the thinking of the JLC staff personnel whose mission it was to simplify but not substantially change the law. During this period of several years, representatives of the various professions including the profession of accountancy submitted to the researchers various statements, memoranda, and recommendations in depth on their feelings concerning the studies being undertaken. The record indicates that the researchers whether they were JLC people or Education Department people, rarely replied in depth to the professional suggestions and inquiries and in fact never took the trouble to acknowledge these communications in many instances. The record of performance and accomplishment regarding the bills over the last five years is as follows:

1967	-	Senate 4415	-	Died in committee
1968	-	Senate 5877	-	" " "
1969	-	Senate 4654	-	" " "
1970	-	Senate 6825	-	Vetoed by Governor Rockefeller
1971	-	Senate 350	-	? ? ? ?

If merely simplification and clarification were involved, it seems hardly likely that it would take at least five years for the Legislature to accept such simplification.

PURPOSE OF LEGISLATION

The most accurate and valid summary of the purpose of this legislation is contained in the veto message of Governor Rockefeller issued in May 1970 in connection with last year's bill, S. 6825, which is closely similar to the present bill before us - S. 350 - and was introduced with the identical purpose as last year's effort:

"In the Committee's memorandum in support of the bill, the Committee states that the objective of the recodification was merely a simplified and clarified restatement of the law, making no substantive change in the regulation of professional practice. According to a substantial number of professional groups that have written to me, however, the bill would significantly alter the substantive coverage of the law, access to the various professions covered and rights of professional groups and individual professionals."

Senate 350 has the same defects, pointed out by Governor Rockefeller, as last year's predecessor bill (S. 6825). The current bill is replete with numerous substantive changes, scored by the Governor, and which have no place in this legislation. The two bills (1970-1971) are almost identical except for a few minor changes including the correction of errors and omissions in drafting.

BASIC DEFECTS IN S. 350

While there are a number of defects in S. 350 of varying degrees of gravity as evidenced by the number of protests, complaints, amendments and individual bills submitted in opposition or at cross purposes to S. 350 by the individual professions - it is intended here to limit comments to broad, major areas of the accountancy profession's opposition. Our statement will not deal with details or with defects about which our experience has proven our objections are fruitless (e. g. the use of a "license" to cover both those qualified by examination and education and those not so qualified - how is the public protected?).

1. Substantive Changes:

Despite Governor Rockefeller's veto message last year and the opposition of the New York State Association of the Professions and the Accountancy profession to last year's similar legislation - again this year - we find this bill replete with substantive changes. No effort has been made by the sponsors to eliminate this defect scored by the Governor. No effort at all has been made to confine this bill to clarification and simplification - its authorized scope. Instead we find blatant attempts throughout the bill to disguise substantive changes as simplification or procedural matters.

2. Definition of Accountancy (7401)

The definition of any profession describes its basic reason for existence. Changing such a definition is a matter of grave substantive nature. Yet in a number of

*wrong -
no change*

professions, including accountancy, material changes were made. In our profession a drastic change was made without consulting the professional Society representing the profession (18,000 members). After several years of struggle the definition was returned to almost its original form as approved by the Legislature in 1959. There are still differences in wording to which the Society objects and does not understand but which is imposed on the accountancy profession by those not expert or experienced fully in its scope. Most other professions have had similar difficulties with definitions.

3. Waiver of Examination (6506.5)

This is new language - it is not simplification but a substantive change. This is a broad unlimited waiver of education and examination subject only to the "Regents" satisfaction that requirements have been substantially met. (Unfortunately these important decisions will be delegated to staff personnel). The examination in most professions is the hallmark of its expertise - like the bar examinations. To waive it is to lower professional standards and weaken the protection of the public.

Further case of delegation

Some pretense is made that a "waiver provision" is in existing law in Section 211 of the Education Law. This is a misleading and inaccurate reference. The "waiver" in Section 211 refers only to indorsements of certificates (or license) from other jurisdictions where some type of exam has been passed. In 6506.5 we have a brand new paragraph which for the first time grants authority for an unlimited waiver of education and examination (not related to indorsement). Despite pious protests this new paragraph can only be interpreted literally to grant authority to those in the State Education Department by delegation to waive any examination for a citizen or a non-citizen from anywhere in the world. This is a dangerous and regressive loophole.

In an effort to satisfy the accountancy profession's objections an amendment was offered to delete this provision from this provision 6506.5 from the accountancy section only (clear admission of a major mistake). However all other professions still suffer from this arbitrary new provision - which was not discussed with them. This "arrangement" is evidence of the methods used in promoting approval of this "hodge-podge" law. Several so-called chapter amendments have been introduced to soften opposition and appease professional groups but they mainly take from one and give to another (e. g. nurses

they're not operating

vs. medicine). This is not a sound approach to good legislation.

4. New Board of Accountancy (6508; 7408)

Under S. 350 the various State Committees on Grievances and Boards of Examiners for all the professions (including Accountancy) are abolished in their present forms which have proven over the years to be effective and efficient (an obvious substantive change).

Under general provision (6508) new centralized State Boards are set up for each profession - for example, a State Board of Accountancy, etc. - one for each of the eighteen professions under the Education Department. (Please note the State Budget implications.)

This provision is one of the significant features of this legislation and is clearly a major substantive change in existing law. Here the supporters of this regressive bill have gone far beyond simplification and clarification of language and have ventured into a major administrative reorganization of functional departmental units in the Education Department--not a mere change in wording of the law but a physical substantive change of operating units (State Grievance Committees and Boards of Examiners--now separate units to be physically abolished).

In the existing law the professional conduct, ethics and grievance functions are handled by one separate unit while an entirely different and separate function handles routine examinations and admissions. (The CPA examination is a national uniform one since 1917 composed and marked by the American Institute of CPAs - leaving minimal work for the Board of Examiners). Unfortunately the way S. 350 is written (Sec. 7403) it obviously gives control to the Board of Examiners (7) since the staff director of the State Grievance Committee (20) is a lawyer.

The present system of separate professional conduct, ethics and grievance functions and separate admissions function has worked well for many years. It is a sound and administratively effective separation of two different functions (legislatively approved in 1959) and to combine them is illogical, unfair to individuals served by either function and is unwieldy from a management and administrative viewpoint.

It has been suggested that this change will reduce the steps in handling a professional misconduct case from five steps to three. Surely this can be handled by a simple procedural change rather than a physical reorganization of two committees which have served the public well for many years

without criticism. And, of course, this involves a clear-cut substantive change scored by the Governor and the professions in their opposition to this legislation.

Another reason sometimes given for this illogical combination of different and separate functions is that other States have combined State Boards for each profession. What these proponents fail to disclose, however, is that these Boards are set up under the jurisdiction of the Governor (and his executive unit) who make the individual appointments to these Boards. They are not made by the State educational or instructional departments as is the case in this State.

5. Appointments to Committees

Under the intent of the existing law the professional society or association for the past fifteen years or longer has been permitted to recommend three names for each vacancy on their State Committees and the Regents have appointed one of the three. This method has worked well since the professional organizations know their profession and their membership and are in the most competent position to recommend candidates. This competency has apparently been recognized by the Regents who continued the traditional practice.

*no mention
reg'd to stat.
practice -
should be
always
had
Regents
would reject
all candidates*

However, under new language in S.350 this privilege has been taken away by the use of new words -- "but the board of regents shall not be required to appoint candidates so nominated". (Section 6508.4). Under the process of delegation it is obvious that Education Department personnel will actually make the recommendations and appointments with the benign and generalized approval of the Regents.

The arbitrary withdrawal of this privilege not only emphasizes the transfer of power to Departmental personnel but also demeans the status of the professions. Again -- this is not assistance - this is domination.

Here again we have a substantive change. It is a self serving, gratuitous change of grave import to the professions. Governor Rockefeller in stating this legislation (1970 version) should make no substantive changes in existing law points out the criticism -- "the bill (similar 1970 version) would significantly alter the substantive coverage of the law, access to the various professions covered and rights of professional groups and individual professionals". This criticism is still valid.

It is significant to note the strategy behind these moves. By combining the Grievance Committee and CPA Examiners under a single Board and then reserving the right to appoint the members of this Board - it is quite clear that involved in this bill (S.350) is something more than a mere simplification of provisions - what is apparently involved is an attempt to gain complete dominance over these professional committees.

These professions representing some eighty thousand or more professionals, directly serving the public, will not have the right of determining their own futures but will be under the domination of Departmental personnel.

LONG-RANGE CONSIDERATIONS

"Professions in the modern world are based on scientific intellectualism and have come a great distance in the past century and indeed in the last thirty years. Medicine gives us transplanted organs to maintain life; dentistry gives us oral rebirth; engineers and architects give us modern "wonders of the world" on almost a monthly basis; accountants make financial sense out of huge unwieldy corporations. Each profession makes its outstanding contributions to the public welfare and within the limits of the public interest."

"Primarily our Society, along with other professions, believes that professions should be the masters of their own destinies, including legislation which affects them. Professional men are competent and independent and these inherent qualities deserve recognition. We believe strongly that professional associations and societies should be the spokesmen and leaders of the professions and, therefore, opinions and statements by the officers and directors of the several professions should be of paramount importance to the Regents."

(From Society Legislation Policy Statement to Chancellor McGovern, Board of Regents, August 28, 1969).

Many in the professions believe that this legislative project was begun well to serve a desirable public purpose - the reduction and simplification of the language in the professional section of the Education Law.

However, along the way powerful influences were able to sidetrack and divert the original purpose. After seven years of travail certain forces have brought forth a mouse - S.350 - which satisfies no one. It has brought forth a storm of counter legislation and amendments by the professions -- so that the opposition to S.350 is now far greater than the opposition to last year's similar legislation (S.6825) which was great enough to justify Governor Rockefeller's veto. (See attached listing of other professional bills introduced).

It now appears in the light of long-range perspective that this legislation in its present form is, in reality, largely an attempt to transfer privileges and rights from the professions to the State Education Department. It seems to be a deliberate effort to downgrade the professions and make them subservient to a bureaucracy.

In a philosophical sense beneficent guidance and assistance from a State are not altogether undesirable in helping professions to grow. But when the benign overlook turns sour into dominance -- professional growth and self respect diminish and fade. This would be a tragedy for our State and its people.

Therefore -- instead of a single piece of legislation or puny bureaucratic self seeking -- we have a much larger and more vital problem -- will the professions be encouraged to grow and improve their services to the public -- or will they be rendered impotent by the emptiness of "over-kill" regulation.

May we respectfully suggest that here is the grand issue which faults Senate 350 and amply justifies Governor Rockefeller in again vetoing this legislation as he did last year. A veto of this bill, Senate 350, is a "must" if the public and the professions in this State are to be protected.

May 28, 1971

**SOCIETY CALLS FOR ROCKEFELLER VETO AS SENATE 350
PASSES ASSEMBLY (MAY 21) BY NARROW MARGIN OF SEVEN
VOTES AFTER MUCH DELAY AND OPPOSITION.**

Please write or telegraph Governor Rockefeller (The Capitol, Albany, N.Y. 12224) urging his veto of this adverse legislation:

Senate 350 (Laverne) - Assembly 359 (C.E. Cook)

AN ACT . . . to amend Education Law. . .in relation to the regulation and practice of certain professions.

1. Governor Rockefeller vetoed similar legislation last year because of undesirable substantive changes.
2. Senate 350 still contains many substantive changes although its purpose was merely to simplify the law.
3. The bill provides for unjustified "overkill regulation" by the State Education Department which has adequate supervision under existing law.
4. S. 350 eliminates the Council on Accountancy, State Grievance Committee and Board of Examiners. Their different and separate functions will be combined in an unwieldy single Board. These are major substantive changes.
5. S. 350 specifically states (for the first time) that the Regents shall not be required to appoint candidates for professional committees recommended by professional societies. This is a substantive change in existing law.
6. The American Institute of CPAs and Association of the Professions have noted their opposition to this legislation. It impairs the futures of professional men and women. It does not serve the public interest.

The near defeat of bill in assembly is largely due to the response of the membership to our Legislative Alert of March 1971. Your telegrams and letters at this time may be even more vital.

PLEASE COMMUNICATE IMMEDIATELY WITH GOVERNOR ROCKEFELLER AND URGE HIM TO VETO SENATE 350; ASSEMBLY 359; WHICH SO ADVERSELY AFFECT YOU AND THE PUBLIC INTEREST.

**Frederick H. Kelley, President
The New York State Society of
Certified Public Accountants**

CORRESPONDENCE RE: S.350; A.359

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DOMESTIC SERVICE	
Check the class of service desired; otherwise this message will be sent as a fast telegram	
TELEGRAM	
DAY LETTER	
NIGHT LETTER	

WESTERN UNION TELEGRAM

1206 (4-55)

W. P. MARSHALL, PRESIDENT

INTERNATIONAL SERVICE	
Check the class of service desired; otherwise the message will be sent at the full rate	
FULL RATE	
LETTER TELEGRAM	
SHORE SHIP	

NO. WDS. - CL. OF SVC.	PD OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
			N.Y.S. Society of CPAs 355 Lexington Ave., N.Y., N.Y. 10017	2/23/71

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Following telegram to the listing below:

The Executive Committee of the New York State Society of Certified Public Accountants at today's meeting, February 23, 1971, reaffirmed its public position opposing S. 350 - A. 359. Our position is substantively as stated in our Society's statement to Senate and Assembly Education Committees dated October 16, 1970. Revised position statement to follow.

Frederick H. Kelley, President
New York State Society of
Certified Public Accountants

Hon. Thomas Laverne
Hon. Jack F. Bronston
Hon. John R. Dunne
Hon. Bernard D. Smith
The above telegrams to Senate Chambers,
State Capitol
Albany, New York

Hon. Constance E. Cook
Hon. Gordon W. Burrows
Hon. Stanley Harwood
Hon. Joseph R. Pisani
The above telegrams go to Assembly Chambers
State Capitol
Albany, New York

Brainard E. Prescott, Counsel
Joseph L. Brock, CPA
Chairman, State Board of CPA Examiners

Evrour Germain, CPA
College of Business Administration
David Thompson, CPA
Vice Chairman, State Board of CPA Examiners

Total: 12 telegrams

DOMESTIC SERVICE	
Check the class of service desired. Otherwise this message will be sent as a fast telegram	
TELEGRAM	<input type="checkbox"/>
DAY LETTER	<input type="checkbox"/>
NIGHT LETTER	<input type="checkbox"/>

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WESTERN UNION

TELEGRAM

1200 (4-55)

W. P. MARSHALL, PRESIDENT

INTERNATIONAL SERVICE	
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NO. WDS.-CL. OF SVC.	PD OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
			N.Y.S. Society of CPAs 355 Lexington Ave., N.Y. 10017	3/30/71

Send the following message, subject to the terms on back hereof, which are hereby agreed to

YU 6-4567

Hon. Willis H. Stephens
Chairman, Ways & Means Committee
The Assembly
Albany, New York 12224

Hon. Alexander Chananau
Ranking Minority Member
Assembly Ways and Means Committee
The Capitol, Albany, N. Y.

Respectfully urge Ways and Means Committee defeat of Senate 350, Assembly 359, to revise education law because of material substantive changes and recognize legislators concern over significant budget implications as well as adverse effects on approximately one hundred thousand professional men and women in this State. This Society joins the New York State Association of the Professions and the Nurses Association in opposing this ill advised legislation.

Frederick H. Kelley, CPA
President
The New York State Society of
Certified Public Accountants

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WESTERN UNION

TELEGRAM

1206 (4-53)

W. P. MARSHALL, President

INTERNATIONAL SERVICE	
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			N.Y.S. Society of CPAs 355 Lexington Ave., N.Y. 10017	3/30/71

Send the following message, subject to the terms on back hereof, which are hereby agreed to

YU 6-4567

Hon. Perry Durvea
 Speaker of the Assembly
 The Capitol
 Albany, N. Y. 12224

Respectfully urge defeat of Senate 350, Assembly 359, to revise education law because of material substantive changes and recognize legislators concern over significant budget implications as well as adverse effects on approximately one hundred thousand professional men and women in this State. This Society joins the New York State Association of the Professions and the Nurses Association in opposing this ill advised legislation.

Frederick H. Kelley, CPA
 President
 New York State Society of
 Certified Public Accountants

DOMESTIC SERVICE	
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TELEGRAM	<input type="checkbox"/>
DAY LETTER	<input type="checkbox"/>
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WESTERN UNION TELEGRAM

1200 (4-55)

W. P. MARSHALL, PRESIDENT

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			N.Y.S. Society of CPAs 355 Lexington Ave. N.Y. 10017	4/6/71

Send the following message, subject to the terms on back hereof, which are hereby agreed to

YU 6- 4567

HON. ARTHUR LEVITT
STATE COMPTROLLER
THE CAPITOL
ALBANY, N. Y.

HON. JOHN J. FEENEY
DEPUTY COMPTROLLER, STATE OF NEW YORK
THE CAPITOL
ALBANY, NEW YORK

THIS IS TO INFORM YOU THAT THE NEW YORK STATE SOCIETY AND THE NEW YORK STATE ASSOCIATION OF THE PROFESSIONS ARE OPPOSED TO S. 350 and S. 4120B FOR THE SAME REASONS THAT GOVERNOR ROCKEFELLER VETOED SIMILAR BILLS LAST YEAR. THE PROPOSED SUBSTANTIVE CHANGES IN THE EDUCATION LAW ARE MANIFESTLY AGAINST THE PUBLIC INTEREST.

Frederick H. Kelley, President
New York State Society of
Certified Public Accountants



New York State Association of the Professions, Inc.

430 LEXINGTON AVENUE • GRAYBAR BUILDING • NEW YORK, NEW YORK 10017 • (212) 686-4250

April 5, 1971

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- David Zach, C.P.A.

Hon. Willis H. Stephens
Chairman
Assembly Ways and Means Committee
State Capitol
Albany, New York 12224

Dear Chairman Stephens:

May I introduce myself as a former resident of the Town of Southeast, Putnam County. My dad counted your father as his friend and tells me he is well acquainted with you. However, you and I have not met as I have been a "former Brewster boy" since my 1952 graduation from Cornell, the New York State Veterinary College.

My purpose in writing is my official concern with S 350, A 359, Recodification of the Education Law, as applied to the Professions.

As President of the New York State Association of the Professions representing seven learned professions, - Architecture, Certified Public Accountancy, Dentistry, Medicine, Pharmacy, Professional Engineering and Veterinary Medicine, - may I inform you that on March 9, 1971 our Association's Board of Directors in executive session voted non-support; opposition to S 350 as written. This parallels our reaction to last year's legislation. Governor Rockefeller, in his veto message on the bill last year, cited our opposition and recommended changes to satisfy the objections of the Professions involved. We, in the Professions, have had little success in removing or revamping serious objectionable parts of the bill as written.

We feel very strongly that in its present form S 350, A 359 is not sound legislation for the Professions and does not contribute to the public good.

I trust that this information and opinion of the New York State Association of the Professions will help you formulate appropriate action in your committee and in the legislature.

Respectfully,

John J. Brennan, D.V.M.
President

JJB/kb

DOMESTIC SERVICE	
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TELEGRAM	<input type="checkbox"/>
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NIGHT LETTER	<input type="checkbox"/>

WESTERN UNION

TELEGRAM

1208 (4-55)

INTERNATIONAL SERVICE	
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W. P. MARSHALL, PRESIDENT

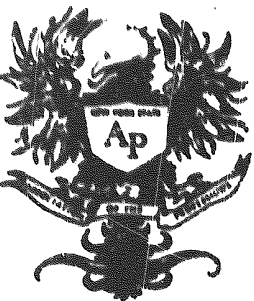
NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
			New York State Association of the Professions 420 Lexington Ave. N.Y. 10017	3/02/71

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Hon. Earl Brydges
Majority Leader
The Senate
Albany, N. Y.

On March 9, 1971 the New York State Association of the Professions meeting in executive session in Albany, New York voted that Senate 350, Assembly 359, in its present form unacceptable to the majority of its constituent member societies.

John J. Brennan, D.V.M.
President
New York State Association
of the Professions, Inc.



New York State Association of the Professions, Inc.

420 LEXINGTON AVENUE • GRAYBAR BUILDING • NEW YORK, NEW YORK 10017 • (212) 686-4280

March 31, 1971

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Harold P. C. Muvo
Alfred A. Lanza, D.D.S.
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Stephen Nordlicht, M.D.
Percy T. Phillips, D.D.S.
S. Chas. Savio, R.Ph.
Samuel Scheiner, A.I.A.
Chas. J. Wurmfeld, P.E.
David Zack, C.P.A.

Michael Whiteman, Esq.
Counsel - Legal Division
c/o Governor Rockefeller's Office
State Capitol
Albany, New York 12224

Dear Mr. Whiteman:

The New York State Association of the Professions representing approximately 80,000 professional people in the state wishes you to be informed of our position on S 350, A 359. In your capacity as legal counsel to the Governor, we feel you can better advise him, knowing that our Association's Board of Directors, in executive session on March 9, 1971, voted non-support; opposition to the bill as written. Telegrams were sent to the sponsors of the legislation informing them of our position of opposition.

As with last year's bill, most of the professions have serious objections to the wording of the present legislation. Most of them have had little opportunity to confer with the representatives of the Joint Legislative Committee handling this legislation. In essence the 1971 form of the bill has not been changed from the 1970 version. Most of the professions opposed the 1970 version, tried to change the 1971 version and met with little success. Therefore, they are still strongly opposed at this time.

We feel very strongly that, in its present form, S 350, A359 is not sound legislation for the professions and does not contribute to the public good.

We trust that Governor Rockefeller will hear our plea and veto this bill.

Respectfully,

John J. Brennan, D.V.M.
President

JJB/kb

NEW YORK CREDIT & FINANCIAL MANAGEMENT ASSOCIATION

AFFILIATED WITH THE NATIONAL ASSOCIATION OF CREDIT MANAGEMENT

71 WEST 23RD STREET · NEW YORK, N. Y. 10010



TELEPHONE
888 6188

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March 31, 1971

Hon. Nelson A. Rockefeller
Governor of the State of New York
Executive Chamber
Albany, N.Y. 12224

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Re: S 350--S 4120-B

Dear Governor Rockefeller:

On behalf of some 4,000 New York business firms and financial institutions having membership within this Association, we respectfully and most urgently suggest that you veto the above captioned legislation.

Since this bill would enable the State Education Department to certify individuals as CPA's without the customary examination, it would impair the rights of the professional public accountant. This would prove a very serious detriment to the entire business community.

As you know, the credit profession has always relied heavily upon independent certified public accountants to prepare financial reports of business firms. To weaken this structure in any way would be highly inimical to the interests of the profession and the business community.

Sincerely,

BARRETT R. TANNER
Executive Vice President

BRT/bh

Counsel
Miller, Montgomery, Spalding & Saut

DOMESTIC SERVICE	
Check the class of service desired, otherwise this message will be sent as a fast telegram	
TELEGRAM	<input type="checkbox"/>
DAY LETTER	<input type="checkbox"/>
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WESTERN UNION TELEGRAM

1206 (4-55)

W. P. MARSHALL, President

INTERNATIONAL SERVICE	
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FULL RATE	<input type="checkbox"/>
LETTER TELEGRAM	<input type="checkbox"/>
SHORE SHIP	<input type="checkbox"/>

NO. WDS - CL. OF SVC.	PD OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
			AMERICAN INSTITUTE OF CPAS	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

MARCH 26, 1971

GOVERNOR NELSON A. ROCKEFELLER
ALBANY, NEW YORK 12224

ON BEHALF OF THE MORE THAN 78,000 MEMBERS OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS I STRONGLY URGE YOU TO VETO SENATE BILL 350 AND ASSEMBLY BILL 359. IN VETOING SIMILAR LEGISLATION LAST YEAR YOU WISELY NOTED THAT IT HAD MOVED BEYOND THE ORIGINAL INTENT TO SIMPLIFY THE LAW AND CONTAINED "UNDESIRABLE SUBSTANTIVE CHANGE." THE NEW LEGISLATION IS DEFECTIVE FOR THE SAME REASON. IT INCORPORATES A NUMBER OF OBJECTIONABLE FEATURES -- INCLUDING A PROVISION FOR A BROAD WAIVER OF THE UNIFORM CPA EXAMINATION. THIS WOULD NOT ONLY BE A GRAVE DISSERVICE TO THE PUBLIC WHICH IS ENTITLED TO THE PROTECTION AFFORDED BY THE EXAMINATION; IT WOULD CREATE DIFFICULTIES FOR THOSE WHO ACQUIRED CPA CERTIFICATES UNDER THIS PROVISION IN SEEKING TO OBTAIN RECOGNITION FROM OTHER STATES. NEW YORK HAS BEEN A PROGRESSIVE PIONEER IN THE REGULATION OF THE ACCOUNTING PROFESSION. IT SHOULD NOT TAKE A BACKWARD STEP WHICH WOULD IMPAIR THAT REPUTATION THROUGHOUT THE COUNTRY. I HOPE, THEREFORE, THAT YOU WILL AGAIN VETO THIS LEGISLATION.

LEONARD M. SAVOIE
EXECUTIVE VICE PRESIDENT

MAY - 1970

N O T A P P R O V E D

These bills would provide a recodification of the provisions of the Education Law relating to regulation of professional practice.

Senate Bill Number 6825, which would reduce the bulk of present law by 75 percent, represents the product of a long-term effort by the Joint Legislative Committee to Revise and Simplify the Education Law.

In the Committee's memorandum in support of the bill, the Committee states that the objective of the recodification was merely a simplified and clarified restatement of the law, making no substantive change in the regulation of professional practice. According to a substantial number of professional groups that have written to me however, the bill would significantly alter the substantive coverage of the law, access to the various professions covered and rights of professional groups and individual professionals.

Although the bill was in preparation for a substantial time prior to its introduction in the Legislature, some professional groups were unable to complete their review of it in its final form and to air fully their reservations and objections prior to passage. In this context, I take note that the Senate Bill Number 8666-A and Senate Bill Number 9411, chapter amendments to the principal bill, were offered in response to a number of these objections and to make various technical corrections. The bills do not answer all the objections, however, nor do they purport to do so.

The bill would not become effective until September 1, 1971; thus there is ample time for the Legislature to act at its next regular Session on a revised bill carrying an identical effective date. Accordingly, I am withholding my approval at this time to allow the sponsors of the bill to consult with representatives of those professions that still object to it in order to align the measure more closely to the intent of the Committee to simplify and clarify the law without undesirable substantive change.

The New York State Association of Architects, the New York Chapter of the American Physical Therapy Society, the New York State Society of Certified Public Accountants, the New York State Council of Retail Merchants, the Operating Engineers Union, the New York State Association of the Professions and the New York State Nurses Association are among those groups and professional organizations that have written me recommending disapproval of this measure in its present form.

The bills are disapproved.

(Signed) NELSON A. ROCKEFELLER



THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

355 LEXINGTON AVENUE, NEW YORK, N. Y. 10017

YU80N 6-4367

August 31, 1970

Joseph W. McGovern, Chancellor
Board of Regents
State Education Department
Albany, New York

Dear Chancellor McGovern:

Unfortunately the annual legislative conference of the Regents conflicts with a meeting of all of our Chapters around the State which is being held at Cooperstown on the day of your meeting -- Thursday, September 10th. However, while representatives of our Society cannot be present, which we regret, we thought it would be advisable to give you in summary form some of the highlights of our reactions to your legislative program as we knew it last year.

In concert with other learned professions of the State under the auspices of the New York State Association of the Professions we objected strenuously to legislation proposed by the State Education Department identified as Senate 6825 (Dominick); Assembly 2646 (C. Cook). As you know, this legislation was not approved by Governor Rockefeller.

We sincerely trust that you will request the State Education Department not to submit this legislation again during the 1971 session. It will only cause us extraordinary efforts to defeat these proposals once again. And, in addition, it will further exacerbate the relations of the professions with the Department and the Regents.

When this legislation was first proposed some half dozen years ago it was distinctly understood by all concerned that its purpose was to simplify the Education Law in relation to the professions -- it was not to make any substantive changes. This point was strongly emphasized by Governor Rockefeller in his message not approving the legislation. Despite this prohibition the bill was drawn with many substantive changes which revised in rather drastic form the relationship between the Regents, the Department of the professions.

For example, the proposal for the first time to set up central BOARDS for each profession was not desired by the professions, nor were they consulted, nor is it in accord with State or national precedent. It is true that other States have centralized State Boards for each profession but these Boards are appointed by the Governor of the State and report to him through channels. This fact is often obscured by those in the Department pressing for a central Board. We feel this is merely another evidence of "empire building" within the Department which goes contrary to the wishes of the professions in order to obtain bureaucratic advantages.

Another instance is the change in the appointment of members of the professions to their present Boards of Grievances and Boards of Examiners. It has been traditional for each profession to be asked to submit several names to the Regents who make their final appointment from among the names recommended. This new legislation changed this tradition so that the Regents and/or State Education Department could appoint anyone they chose -- whether recommended or not. This is a serious blow to the prestige of the professions.

All in all it is the belief of many involved in the professions and their relationships with the State Education Department that this legislation was in reality merely an attempt to transfer further privileges from the professions to the State Education Department. We feel it was a deliberate attempt to downgrade the professions in this State and to make them more and more subservient to a small group in the Department.

It is our contention that if the professions are to grow in this modern world and improve and advance their services to the general public they should be masters of their own destinies. They should be allowed the freedom to develop in relation to the public welfare. They should not be hampered or harrassed by pettiness or by those seeking to advance their own self interests.

It is realized that this letter is most candid in its evaluation of our relationships but it is our thought that we would prefer us to be frank rather than to harbor hidden grievances which can only fester and become worse in the years ahead.

Respectfully,

/s/

Harold P. C. Howe
Executive Director



THE NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

355 LEXINGTON AVENUE, NEW YORK, N. Y. 10017

YUEN 6-4567

August 28, 1969

Hon. Joseph W. McGovern
Chancellor, Board of Regents
State Education Department
Albany, New York 12224

Dear Chancellor McGovern:

The New York State Society of Certified Public Accountants appreciates your invitation and is gratified to avail itself of the opportunity to speak directly to the Regents.

Our Society has had some experience with legislation over the years. Since 1960 about 130 legislative bills have been introduced which directly affected the professional interests of the members of the accountancy profession. This does not include an additional number of bills concerning taxation, finance and fiscal policies in which we were involved because of our interest in these areas. Last year, alone, 28 bills directly affecting our professional interests were introduced.

We cite these statistics so that the Regents will understand that our profession, like many others, is deeply involved each year in legislative programs. Therefore our evaluation of the legislative scene is not theoretical but based on the harsh realities of practical experience.

Professions in the modern world are based on scientific intellectualism and have come a great distance in the past century and indeed in the last thirty years. Medicine gives us transplanted organs to maintain life; dentistry gives us oral rebirth; engineers and architects give us modern "wonders of the world" on almost a monthly basis; accountants make financial sense out of huge unwieldy corporations. Each profession makes its outstanding contributions to the public welfare and within the limits of the public interest.

Primarily our Society, along with other professions, believes that professions should be the masters of their own destinies, including legislation which affects them. Professional men are competent and independent and these inherent qualities deserve recognition. We believe strongly that professional associations and societies should be the spokesman and leaders of the professions and, therefore, opinions and statements by the officers and directors of the several professions should be of paramount importance to the Regents.

Page 29

This is not to say that professional advisory groups in the Department are not of value but rather to point out the distinction between these advisory committees and the professional society or association. The advisory groups have specific functions under the Education Law -- such as, examinations and grievances -- while the professional organizations have a broader responsibility including the wide spectrum of legislation.

In this connection, we would respectfully call to your attention that New York State is one of the very few states which has not enacted a law permitting practice of a profession in corporate form. Because of the overwhelming number of states which have such a statute, the American Institute of Certified Public Accountants has proposed to amend its Code of Professional Ethics to permit corporate practice under certain conditions; and it is contemplated that the New York State Society of Certified Public Accountants will follow suit. It is also significant that the Internal Revenue Service has recently reversed its position with regard to tax benefits available to professional men practicing as a corporation under state law.

In establishing legislative policy for the Department it is our hope that such broad policy considerations will be kept in mind by the Regents.

Sincerely yours,

/s/

Richard S. Helstein
President

January 21, 1971

Brainard E. Prescott, Counsel
P. O. Box 7155
The Capitol
Albany, N. Y. 12224

Dear Mr. Prescott:

The Society understands you would like a meeting on Senate 350--to simplify the education law. This is agreeable to the Society and can be arranged if you will contact Frederick H. Kelley, President, or the Executive Director both official spokesmen for the Society.

Since our last meeting with Society representatives on this legislation we have submitted the following documents:

- 1) Society statement on legislative policy to Chancellor McGovern - August 31, 1970.
- 2) Society letter to you, September 30, 1970, regarding new draft proposal of current legislation.
- 3) Society statement to Senate and Assembly Education Committees dated October 16, 1970 regarding the new draft proposal.
- 4) Society presentation of above statement at Public Hearing in Albany, October 19, 1970.
- 5) Society - "Analysis of Draft Proposal of Professors Bill" --22 pages, dated October 30, 1970 and transmitted to you with 20 copies.
- 6) Statement of Society policy to you dated November 2, 1970.

We look forward to hearing from you.

Yours sincerely,

Robert L. Gray
Executive Director

Page 31

Multiple memorandum received from the
State Comptroller dated 6-2-71
stating the following bill is of
"No Interest" to the Department of
Audit and Control.

Intro. No.

Print No.

5-350

The original memorandum filed with:



THE SENATE
STATE OF NEW YORK
ALBANY
12224

THOMAS LAVERNE
50TH DISTRICT
CHAIRMAN
COMMITTEE ON EDUCATION

July 1, 1971

Robert R. Douglass, Secretary to the Governor
Executive Chamber
State Capitol

Dear Bob:

I cannot emphasize too greatly the need for the signing of the bill of the professions - Senate 350, and the chapter amendments which have been agreed upon.

There are only two known groups who object. One the CPA's who have since been abandoned by the public accountants, and who now support this bill. The other is a small group of engineers. Their opposition is completely selfish, and has no merit.

Aside from this, my Education Committee has been working on this bill for seven years. It is, frankly, my intention to get rid of the problem, and this bill is probably the only bill that ever had the opportunity to make it. I am sure that there will be continual efforts at change, but the future changes should be within the context of the new law which is a substantial improvement, especially in the administration of the licensing of the professions.

I urge you to recommend approval of this legislation to the Governor.

Sincerely,

Thomas Laverne.

TL:acs
xc Michael Whiteman, Counsel

J. A. 5. 350

MEMORANDUM ACCOMPANYING COMMENTS ON BILLS BEFORE
THE GOVERNOR FOR EXECUTIVE ACTION

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES

June 24, 1971

SENATE

ASSEMBLY

Introduced by:

350

Messrs. Laverne, Bronston,
Dunne and B.C. Smith

RECOMMENDATION:

No objection

STATUTES INVOLVED:

Education Law; Civil Practice Law and Rules

EFFECTIVE DATE:

September 1, 1971

DISCUSSION:

1. Purpose of bill: This bill would amend pertinent sections of the Education Law relating to the regulation and practice of certain professions including the practice of social work as a "Certified Social Worker". This bill would change the definition of, and would define the practice of social work by, a "Certified Social Worker"; would substitute a State Board for Social Work in lieu of the Board of Examiners provided for in the current Education Law; such State Board to be appointed by the Board of Regents on the recommendation of the Commissioner for Education. The bill would also repeal the present requirements for obtaining a certificate as "Certified Social Worker" and would establish in lieu thereof new requirements for obtaining a professional license as a "Certified Social Worker".
2. Summary of provisions of bill: This bill would repeal sections 112, 211 and Title VIII of the Education Law and adds a new Title VIII to the Education Law. Also amends section 4504 of the Civil Practice Law and Rules.
3. Prior legislative history of bill and similar proposals:
4. Known position of others respecting bill:
5. Budget implications:
6. Arguments in support of bill:
7. Arguments in opposition to bill:
8. Reasons for recommendation: This Department has no objection to the enactment

of this bill, since it makes no substantive change in the original statute providing for certification of social workers, confining the authority of the Education Department, as at present, solely to use of the title, "Certified Social Worker" and not to the practice of social work.



NATIONAL
ASSOCIATION
OF
SOCIAL
WORKERS
INC.

Chap 101

S-350

NEW YORK STATE COUNCIL
OF CHAPTERS

June 20, 71

MRS. MARY HICKOK
Chairman
107 James Street
Syracuse, N. Y. 13202
(315) GR1-8126

MRS. NORMA FLEISCHER
Legislative Consultant
R. D. 1 Box 129
Valatie, N. Y. 12184
(518) 684-6431

*Mr. Michael Whiteman
Council to the Governor*

Dear Mr. Whiteman:

*Last week our legislative representative
met to review some of the bills in the
hands of the Governor. I am enclosing
some brief memos in relation to these
bills. If you desire further comment
on any of them I would be glad to
write a more detailed memo.*

*To Support: S-350, A-4854, A-4117,
S-6830, S-5875, A-3987, S-1918, A-6880,
A-6879, S-293, A-1558, S-4735, A-6881,
A-5574, A-5471.*

To Oppose: A-6243, A-6765, A-5415

Cordially,

Norma F. Fleischer

(Mrs. Kenneth F. Fleischer)

100

**NEW YORK STATE COUNCIL OF CHAPTERS
NATIONAL ASSOCIATION OF SOCIAL WORKERS**

Memo from: Mrs. Norma Fleischer
Legislative Consultant
R.D. # 1 Box 128
Valatie, New York 12184
(518) 684-6431

Memo

To : Support S. 350

Our executive committee met last week & we again reviewed the action of S. 350 which deals with the licensing of social workers. We urge the governor to sign this bill.

It is a step in the right direction & will be useful to the profession.



**GUILD OF PRESCRIPTION OPTICIANS
OF NEW YORK STATE, INC.**

June 25, 1971

Hon. Michael Whiteman
Counsel to the Governor
State Capitol
Albany, New York

Re: Senate 350 (The Professions Bill), an Act to revise
and simplify the Education Law

Dear Mr. Whiteman:

The Guild of Prescription Opticians of New York State, Inc., the largest state affiliate of the Guild of Prescription Opticians of America, is deeply concerned by a report that the Governor may fail to sign this legislation. We, as a group of independent businessmen throughout the State of New York whose livelihood is dependent upon and concerned with all legislation pertaining to ophthalmic dispensers, feel that this legislation is essential and necessary for the future orderly conduct of our business.

We feel that a great effort has been made by all concerned to carry out the intent and direction of the Committee in re-drafting this bill, and a great accomplishment has been made to this end. The veto of this bill will continue outmoded and outdated legislation extending back 50 years or more. Much legislation has been laid aside based upon the fact that this bill would be enacted.

We urge that the Governor consider the great accomplishments and good to arise from the enactment of this legislation and recommend that he sign it.

Respectfully submitted

Michael P. Rich
Michael P. Rich, President

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MPK/w



**SOCIETY of
DISPENSING
OPTICIANS, Inc.**

S-350

- Chapter Presidents
- BUFFALO**
David Gerstner
- CAPITOL DISTRICT**
Robert Richmond
- CENTRAL NEW YORK**
Carlyle A. Edelstein
- LONG ISLAND**
G. Richard Outlaw
- METROPOLITAN**
Henry I. Cohan
- ROCHESTER**
Edward F. Shaw
- SOUTHERN TIER**
Richard S. Buchanan
- WESTCHESTER**
~~XXXXXX~~
Burton I. Schain
Board of Directors
- Peter Bacotti
- William Cahill
- Edmund Clabeaux
- Ulysses Econs
- James J. Farino
- Richard Gallo
- Stan Harding
- Herman Lacoff
- Ralph Mastrococco
- Blake Smith
- Loren Snodgrass
- Kenneth Thomson

75 STATE STREET
Albany, N. Y. 12207

Telephone
(518) HObart 5-4150

June 25, 1971

Hon. Michael Whiteman
Counsel to the Governor
State Capitol
Albany, New York

Re: Senate 350 (The Professions Bill), an Act
to revise and simplify the Education Law

Dear Mr. Whiteman:

The Society of Dispensing Opticians, Inc. of New York State, the officially recognized representative of licensed ophthalmic dispensers in the State of New York who are covered by Article 144 in the above referenced bill, strongly support this bill.

The bill is the result of extensive hearings, conferences and discussions over a period of five or six years. To my knowledge, there is no one who has not had an opportunity to fully express his feelings regarding each and every draft made. The direction to the Joint Legislative Committee was to revise and simplify, and it has done an admirable job. The intent was not to make controversial, substantive changes. This intent has been fulfilled. The revision and simplification has been done in an excellent fashion.

To destroy by veto the accomplishments of the Committee and the thousands of individuals in the various professions based on attacks of a few dissidents would be a truly great loss to the vast majority. The objections raised, if of substance, can be handled by subsequent legislation dependent upon merit.

May we urge again strongly that the Governor sign this bill.

Respectfully submitted,
L. Murray Doody, Jr.
L. Murray Doody, Jr.,
Counsel

LMDJR/dw