



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**  
ALBANY, NY 12234

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State Board for Medicine  
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Dear Applicant:

Section 60.2(d) of the Regulations of the Commissioner of Education specifies that students enrolled in programs of medical education not registered by the Department or found to be the equivalent of such programs may serve in clinical clerkships in teaching hospitals in New York State for a period not to exceed 12 weeks during two academic years if such students do not meet the requirements of the Commissioner's Regulations to engage in clerkships of more than 12 weeks.

In New York State, as provided by law, persons performing clinical clerkships are considered to be engaged in the practice of medicine. Section 6526(8) of the Education Law provides that "Any medical student who is performing a clinical clerkship or similar function in a hospital and who is matriculated in a medical school which meets standards satisfactory to the Department, provided such practice is limited to such clerkship or similar function in such hospital", may practice medicine within the State without a license.

In order to meet the requirements of Section 6526(8) of the Education Law and Section 60.2(d) of the Regulations of the Commissioner of Education, a student seeking to engage in clerkships for a period not to exceed 12 weeks must secure a letter of eligibility from the State Education Department. Students requesting a letter of eligibility must specify: (1) the teaching hospital in which the clerkship(s) has been arranged; (2) the specialty area of the proposed clerkship(s); (3) the inclusive dates of the proposed clerkship(s); and (4) request a letter from the hospital to be sent directly to this office confirming that the applicant has been accepted for the clerkship. Each student must also request the medical school in which he/she is enrolled to forward to the address above a statement of the student's matriculation status. The letter must indicate: (1) you are currently enrolled in good standing; (2) your date of graduation; (3) you have been authorized to perform clerkships in New York State; (4) the dates for which you are authorized to perform clerkships in New York State; (5) academic credit will be granted for the clerkship(s) and (6) teaching hospital in which the clerkship(s) will be performed.

In addition, each applicant must provide the following information concerning clerkships which have been completed in New York State prior to the present application: (1) name of hospital or other facility in which clerkship(s) was performed; (2) the inclusive dates; (3) the specialty area of the clerkship(s); and (4) the name(s) of the supervising physician(s). (Note: If no previous clerkships have been performed in New York State, please indicate.)

A fee of \$30 is required for each letter of eligibility to engage in a clerkship in a specific teaching hospital, regardless of the number of clerkships to be performed. Since a separate letter is required for each hospital, the \$30 fee must be submitted for each letter.

All application materials, i.e., your application form, letter from medical school and verification from teaching hospital, should be received in this office no earlier than four months prior to the anticipated date of the start of your clerkship.

Please note that a letter of eligibility issued by the State Education Department does not obligate any teaching hospital to accept medical students in clinical clerkships. Any medical school or teaching hospital may impose standards for admission to clinical clerkships, which exceeds the standards set forth in the Commissioner's Regulations.

Sincerely,

Thomas J. Monahan  
Executive Secretary

The University of the State of New York  
THE STATE EDUCATION DEPARTMENT  
Albany, New York

REGULATIONS OF THE COMMISSIONER OF EDUCATION  
WITH RESPECT TO CLINICAL CLERKSHIPS

BACKGROUND

Section 60.2 of the Regulations of the Commissioner of Education (8 NYCRR 60.2) outlines the requirements for eligibility to engage in clinical clerkships in teaching hospitals in New York State by students enrolled in foreign medical schools. The regulations were approved by action of the Board of Regents on March 26, 1981, December 17, 1982, and October 21, 1983.

Action in 1980 and 1981 to amend regulations that apply to clinical clerkships was initiated because of significant changes that have occurred in the numbers and circumstances of students of foreign medical schools who seek clinical training in New York. The issues were discussed by the Regents at several meetings and in early February 1981 public hearings were held concerning proposed regulations. The testimony provided at these hearings and the recommendations of staff were reviewed by the Regents and amended regulations were approved on March 26, to be effective May 1, 1981. The subsequent amendments defined further the regulations regarding clinical clerkship eligibility.

The Regents policies on clerkships relate to clinical clerkships that are served under the aegis of unregistered or unaccredited medical schools. The Regents policies do not apply to students enrolled in programs that are registered by the Education Department or have been found equivalent to a registered program (equivalent programs are programs accredited by the Liaison Committee on Medical Education (LCME) or American Osteopathic Association, the recognized national accrediting agencies in medicine).

The regulations restrict all clinical clerkships undertaken by students in unaccredited medical schools --basically, all medical schools located outside the United States and Canada -- to teaching hospitals as defined below. **No clinical clerkships are permitted to be undertaken in non-teaching hospitals or other health related facilities or agencies.**

CLINICAL CLERKSHIP

As defined by Section 60.2 of the Regulations of the Commissioner of Education, a clinical clerkship means a supervised educational experience which is part of the clinical component of a program of undergraduate medical education.

## CATEGORIES OF STUDENTS

### A. Long-Term Clerkships

The basic requirements for clerkships that will aggregate more than twelve weeks in a two-year period for students who enrolled in foreign medical schools after September 25, 1980 are as follows:

1. The school in which the student is enrolled must be approved by the State Education Department for placing its students in clinical clerkships in New York.
2. The clerkship or clerkships may be performed only in a teaching hospital which has a formal affiliation agreement with the medical school approved by the State Education Department. The clerkship may be performed only in fields in which the teaching hospital has an approved residency training program.

Students enrolled in foreign medical schools which have been approved by the State Education Department may, however, perform up to a maximum of 12 weeks of clerkships in a teaching hospital not having a formal affiliation agreement with the approved foreign medical school. Such students must obtain a letter of eligibility from the State Education Department before beginning non-affiliated teaching hospital clerkships.

3. Prior to beginning a clerkship in an affiliated teaching hospital, the student must obtain verification from the State Education Department certifying that he or she obtained a satisfactory score on the Medical Sciences Knowledge Profile (MSKP) examination taken prior to July 1, 1985 or a passing score on Part I of the Foreign Graduate Medical Examination in the Medical Sciences (FMGEMS), or an acceptable score on a satisfactory equivalent examination in order to engage in more than 12 weeks of clerkships in affiliated hospitals.

The above basic requirements are modified for certain students who entered the foreign medical school in which they are matriculated at an early time, as follows:

A foreign medical student who was engaged in a clerkship in New York State prior to May 1, 1981 may engage in further clerkships without meeting the above requirements, provided that he/she obtains a letter of exemption from the State Education Department for presentation to the hospital.

A foreign medical student who was not in a clerkship before May 1, 1981, but was enrolled prior to September 25, 1980 in the school in which he or she is matriculated for clerkships, need satisfy only requirements 2 and 3 above. The same conditions will apply for students in schools which have applied for State Education Department approval, if the student enrolled in that school prior to May 1, 1981, except that this authorization is terminated if approval is denied.

B. Short-term Clerkships

Students enrolled in foreign medical schools which have not applied for approval or which have not been approved are eligible to engage in clerkships that aggregate twelve (12) weeks or less in two academic years in teaching hospitals. Such students are exempt from the requirement of a satisfactory score on the MSKP examination taken prior to July 1, 1985, a passing score on Part I of FMGEMS, or an acceptable score on a satisfactory equivalent examination, but must present the teaching hospital with a letter of eligibility as described under "Evidence of Eligibility-Short Term Clerkships," below.

TEACHING HOSPITAL

For the purposes of these regulations, a teaching hospital is defined as one having a residency program accredited by the Accreditation Council on Graduate Medical Education, or an equivalent accrediting agency acceptable to the State Education Department, or which is part of such a program through affiliation(s) approved by the Accreditation Council on Graduate Medical Education, or an equivalent agency acceptable to the State Education Department. A clinical clerkship may be performed only in the area in which a teaching hospital has an accredited residency program. A clinical clerkship in surgery, for example, may be performed only in a teaching hospital having an accredited residency training program in surgery.

No teaching hospital is under any obligation to accept foreign medical students meeting the requirements specified in Commissioner's Regulations for clinical clerkships and any teaching hospital may impose standards for admission to clinical clerkships which exceed standards set forth in Commissioner's Regulations.

EVIDENCE OF ELIGIBILITY-LONG TERM CLERKSHIPS

All students enrolled in foreign medical schools who seek clerkships must present evidence of their status to the teaching hospital in which they seek to undertake clerkships, as follows:

1. Students who were engaged in clinical clerkships in New York State prior to May 1, 1981 must present a letter issued by the State Education Department attesting to their exemption from the requirements of regulations.
2. Students who were enrolled in the foreign medical school in which they are matriculated on or before September 25, 1980 but who were not engaged in a clerkship prior to May 1, 1981 must present a certificate issued by the State Education Department indicating that the student received an acceptable score on the MSKP examination, a passing score on Part I of the FMGEMS examination or an acceptable score on a satisfactory equivalent examination.

3. Students who enrolled in the foreign medical school in which they are matriculated after September 25, 1980 must be enrolled in a school approved by the State Education Department and must present a certificate issued by the Department indicating that the student received an acceptable score on the MSKP examination, a passing score on Part I of the FMGEMS examination, or an acceptable score on a satisfactory equivalent examination. Students enrolled in schools approved by the Department are permitted to engage in clinical clerkships only in teaching hospitals which have affiliation agreements with schools in which such students are enrolled, with the exception that 12 weeks of clerkships may be performed in an unaffiliated teaching hospital.
4. Students who enrolled in the foreign medical school in which they are matriculated after September 25, 1980 but before May 1, 1981 if the school has submitted a formal application for approval must present a certificate issued by the Department to the teaching hospital in which the clerkship(s) are to be performed indicating that the student received an acceptable score on the MSKP examination, a passing score on Part I of the FMGEMS examination, or an acceptable score on a satisfactory equivalent examination.

#### EVIDENCE OF ELIGIBILITY – SHORT TERM CLERKSHIPS

Students must present the teaching hospital a short term clerkship Letter of Eligibility.

#### PENALTY

Section 6526 of Education Law specifies the persons who, under certain limitations, may practice medicine within the State without a license. Subsection 8 of Section 6526 provides that “Any medical student who is performing a clinical clerkship or similar function in a hospital and who is matriculated in a medical school which meets standards satisfactory to the department, provided such practice is limited to such clerkship or similar function in such hospital” may practice medicine without a license. As indicated above, the Commissioner’s Regulations provide that only duly accredited medical schools and those which have been reviewed and approved by the Department for the purpose of placing students in clinical clerkships, meet standards satisfactory to the Department.

Foreign medical students engaged in clerkships in this State without proper authorization or in a facility other than a teaching hospital are in violation of Education Law.

Questions regarding State Education Department regulations relating to clinical clerkships, letters of eligibility or exemption, MSKP certificates and required fees should be addressed to:

Mr. Thomas J. Monahan, Executive Secretary  
NYSED-State Board for Medicine  
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Albany, New York 12234  
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