



May 6, 2022

Dr. King Cheek, Chair of the Board of Trustees
Dr. A Li Song, President
New York College of Health Professions
6801 Jericho Turnpike
Syosset, NY 11791

President Song and Chairman Cheek:

I write to provide an administrative extension of New York College of Health Professions' (College) term of institutional accreditation through August 31, 2022. The purpose of this extension is to allow time for New York State Board of Regents and Commissioner of Education (Agency) to complete the compliance review that is required pursuant to § 4-1.3 of the Rules of the Board of Regents. A compliance review is required because of the decision of the Accrediting Commission for Acupuncture and Oriental Medicine (ACAOM)¹ at its August 2021 meeting to place the college on probation status.

I write also to address several mischaracterizations in recent communications from the College. In particular, the letter dated April 28, 2022, sent by the College to students enrolled in its massage therapy programs contains several statements that require clarification.

1. The Agency's status as an institutional accrediting agency recognized by the United States Department of Education (USDE)

The April 28, 2022, letter states that the Agency "recently announced that it will stop accrediting educational institutions in 2023."

In fact, the Board of Regents voted not to renew its status as an institutional accrediting agency at its meeting held on October 16-17, 2021. The Agency will cease being an institutional accreditor at the end of its current term on May 9, 2023.

After the vote by the Board of Regents, explanatory emails were sent to each of the 11 institutions accredited by the Agency. Conference calls were held by the Agency to answer questions and offer assistance. The Agency's phone call with the College was held on November 8, 2021. Colleges were urged to immediately begin exploring alternative institutional accrediting agencies. Subsequent communication sent from the Agency to the College included a list of USDE-recognized institutional accrediting agencies and their contact information, and links to the USDE website on accreditation.

¹ ACAOM has recently changed its name, however to date, USDE recognizes the agency as ACAOM.

2. The College's status with the Agency

On December 3, 2021, the New York State Education Department (Department) notified the College that it had initiated a compliance review on behalf of the Agency. The Agency is required to conduct a compliance review because of the decision of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) at its August 2021 meeting to place the College on probation status for the College's "failure to demonstrate compliance with criteria across each of ACAOM's accreditation standards for the College's MS in Acupuncture and MS in Oriental Medicine Programs."²

The College's term of institutional accreditation was set to expire on December 10, 2021. The Agency granted an administrative extension of 6 months, through June 10, 2022, to allow the Agency time to conduct the required compliance review. In communications with the College dated December 10, 2021, February 24, 2022, March 11, 2022, March 28, 2022, the Agency explained the College's accreditation status, the reasoning for the initiation of the compliance review, and the terms of the limited extension.

3. Accreditation and Title IV funding

The April 28, 2022, letter states that the College's accreditation by the Agency and by ACAOM establishes the College's eligibility to participate in federal financial aid programs. This is incorrect.

In its role as institutional accreditor, the Agency accredits the entire College. The College's programs in Acupuncture and Oriental Medicine are *programmatically* accredited by ACAOM. Programmatic accreditation *does not* establish eligibility for Title IV student financial aid programs. It is the College's institutional accreditation by the Agency that allows students in *all* of the College's programs to participate in Title IV financial aid programs.

Further, to participate in Title IV funding, colleges must declare with the USDE "which accrediting agency it wants to serve as its primary accrediting agency for FSA eligibility."³ With limited exceptions, the primary accreditor is typically an accrediting agency whose scope is institution-wide rather than only programmatic. An institution can only designate one accrediting agency as its primary accreditor. The College can confirm that the Agency is its primary accreditor by reviewing its Title IV Program Participation Agreement (PPA).

4. Transition to ACAOM for institutional accreditation

The April 28, 2022, letter includes these assertions about ACAOM accreditation:

- "ACAOM's accreditation of the College's Acupuncture and Oriental Medicine programs will qualify students for Title IV funding only if the College were devoted solely to acupuncture and oriental medicine."

² ACAOM Letter from Mark McKenzie, Executive Director, dated September 3, 2021

³ FSA Handbook August 2021, Volume 2, Chapter 1, p. 2-13

- "...in the worst case scenario, the College expects that it can qualify as a stand-alone institution for the purposes of ACAOM accreditation and Title IV funding."
- "However, to qualify as a stand-alone institution for Acupuncture and Oriental Medicine, it would be necessary to terminate the College's Massage program."


These statements imply that institutional accreditation by ACAOM will be automatic or easily attained by the College when the massage therapy programs are discontinued. These statements are misleading if the College does not have written documentation from ACAOM that confirms these assertions.

In closing, the College must do the following no later than May 13, 2022:

- The College must clarify to its students and faculty the information it has previously provided regarding the College's accreditation. The College must submit copies of this correspondence to the Agency when it has done so.
- The College must review its website and publications and revise any mischaracterizations of its accreditation status.
- The College must post a copy of this letter on its webpage on accreditation.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Egan". The signature is fluid and cursive, with a long horizontal flourish at the end.

Kathleen F. Egan
Supervisor, Accreditation Unit

Cc: Dr. Miguel Cardona, Secretary, U.S. Department of Education
William Murphy, Deputy Commissioner, Office of Higher Education
Mei Zhou, Chief, Bureau of Comparative Education, Office of the Professions
Mark McKenzie, President, ACAOM
Emily Sutherland, Supervisor
Lorena Coscio, Associate, Accreditation Unit