§ 224. Prohibitions. 1. a. No individual, association, partnership or corporation not holding university, college or other degree conferring powers by special charter from the legislature of this state or from the regents, shall confer any degree or use, advertise or transact business under the name university or college, or any name, title or descriptive material indicating or tending to imply that said individual, association, partnership or corporation conducts, carries on, or is a school of law, medicine, dentistry, pharmacy, veterinary medicine, nursing, optometry, podiatry, architecture or engineering, unless the right to do so shall have been granted by the regents in writing under their seal.

b. Notwithstanding any other provision of law to the contrary, no individual, association, partnership or corporation operating an institution on a for-profit basis and holding degree-conferring powers granted by the regents pursuant to this subdivision shall, through a change of ownership or control, convey, assign or transfer such degree-conferring authority without the consent of the regents. For purposes of this subdivision, a change of ownership or control shall include, but shall not be limited to, merger or consolidation with any corporation; sale, lease, exchange or other disposition of all or substantially all of the assets of the institution; and the transfer of a controlling interest of the stock of a corporation.

2. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain or attempt to obtain by fraudulent means any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or other degree, or to constitute any license, or a duplicate thereof, or any certificate of registration, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution.

3. No person, firm, association or corporation shall offer or otherwise advertise a college degree in the state of New York without the prior written approval of the department, in accordance with the regulations of the commissioner of education, unless the institution offering or advertising such a degree is accredited by at least one

accrediting commission recognized by the United States commissioner of education as a reliable authority for the purpose of accreditation at the post secondary level or unless the program leading to such degree is registered with the department of education of the state of New York. A violation of this subdivision is a violation punishable by a fine not to exceed five hundred dollars. Any newspaper or other advertising medium which carries said advertisement shall be exempt from the provisions of this subdivision.

3-a. Notwithstanding the provisions of subdivision three of this section, the commissioner of education, boards of education, school authorities, or authorized school officers shall not be required to accept for purposes of certification, recertification, licensure, appointment, promotional increment, or salary differential for pedagogic personnel, any diploma, degree or course credit from a university, college, academy, school or other institution of learning located outside the state of New York if such diploma, degree or course credit was granted without the requirement of on-campus attendance and if instruction and testing was transacted primarily by correspondence.

Any person making application for certification, recertification, licensure, appointment, promotional increment or salary differential may be required by the commissioner, or by boards of education, school authorities or authorized school officers to submit a signed statement or affidavit as part of such application to identify any diploma, degree or course credit which was granted by a university, college, academy, school or other institution of learning located outside the state of New York if such diploma, degree or course credit was granted without the requirement of on-campus attendance and if instruction and testing was transacted primarily by correspondence. A willful and wrongful misrepresentation on such application shall constitute grounds for disciplinary action in accordance with the provisions of this chapter, the rules of the regents, the regulations of the commissioner, or the by-laws, rules or regulations of such school authorities.

The provisions of this subdivision shall not apply to any diploma, degree or course credit completed before the effective date of this

subdivision.

4. No diploma or degree shall be conferred in this state except by a regularly organized institution of learning meeting all requirements of law and of the university, nor shall any person, with intent to deceive, falsely represent himself to have received any such degree or credential, nor shall any person append to his name any letters in the same form registered by the regents as entitled to the protection accorded to university degrees, unless he shall have received from a duly authorized institution the degree or certificate for which the letters are registered. Counterfeiting or falsely or without authority making or altering in a material respect any such credential issued under seal shall be a felony; any other violation of this section shall be a misdemeanor; and any person who aids or abets another, or advertises or offers himself to violate the provisions of this section, shall be liable to the same penalties.