

# 2014 Legislative Session Report

Authored By: Karin Carreau, MSW, Director of Policy

The 2014 legislative session was highly productive and successful. While you and other social work colleagues across New York State were engaged in practice, your voice has been ever present at the Capitol. On behalf of our members and the greater social work community, NASW-NYS has worked to advance a number of member identified high priority issues encompassing both budget and legislative initiatives. This report offers a snapshot of our policy work on behalf of the profession, most of which was driven by NASW-NYS and the result of extensive engagement with key legislative members and their staff, interaction with the Governor's executive staff and collaboration with our peer organizations and state agencies.

### WORKFORCE DEVELOPMENT

#### EXPANSION OF THE NYS SOCIAL WORK LOAN FORGIVENESS PROGRAM

In advance of the 2014 legislative session, beginning in the fall of 2013, NASW-NYS worked with the Governor's staff, legislative members and their staff (in the context of state budget discussions) to increase funding for the social work loan forgiveness program by 50% (\$500,000) and expand eligibility to social workers practicing in every county in New York State, as opposed to the currently limited scope of 28 counties considered to be "high need." Amid tense final budget negotiations at the capitol, when many requests for additional appropriations fell off the proverbial table, expanded funding for the social work loan forgiveness program remained intact due to our consistent advocacy efforts. While less than our goal, the final appropriation for a 25% increase (\$250,000), remains a substantial accomplishment in the fiscally tight higher education budget. NASW-NYS is grateful to Senator Kenneth LaValle for his commitment to expanding this program. Senator LaValle and his staff have been there time and time again for the profession of social work.

The final agreement also included a decision to re-examine the current formula determining program eligibility. As such, NASW-NYS staff and our partner organizations, NASW-NYC and the New York State Association of Deans of Schools of Social Work worked closely to identify variables that would assist in the development of a formula that would both, expand

the eligibility pool *and* ensure we are funneling social workers to the highest need areas. After an exhaustive process of examining state specific demographic data points including county and city specific rates of poverty, social work licensee distribution per county, debt to salary ratio's, federally identified medically underserved areas/populations and provider shortage areas, the conclusion we reached is to request that New York State's Social Work Loan Forgiveness Program utilize the formula employed by the National Health Service Corps loan repayment program; a method driven by the Health Resources Services Administration (an agency of the Department of Health and Human Services), which uses census data to identify medically underserved areas and populations, as well as health professional shortage areas.

We contend that utilization of such a formula will direct the program's limited resources to the identified and designated provider shortage areas and medically underserved areas/populations that exist across the state in *each* county. This consumer need based approach to eligibility will ensure that high need identified area will be included in the formula.

We have met with the Governor's staff and key members of the legislature to share our proposed formula and will keep you up to date as the process evolves over the coming months. The additional funds will not be available to eligibles until the next open application process in January of 2015.

#### VETERANS MENTAL HEALTH TRAINING INITIATIVE (VMHTI)

NASW-NYS Policy Staff secured a \$450,000 appropriation in the state for continuation of the Chapter's VMHTI. The funding will be evenly distributed between the New York State Chapter of the National Association of Social Workers (NASW-NYS), the New York State Psychiatric Association (NYSPA) and the Medical Society of the State of New York (MSSNY). The program educates both community mental healthcare providers and primary care healthcare providers on veterans-specific mental health issues including combat-related post traumatic stress disorder, traumatic brain injury and other conditions, including substance abuse. This trailblazing program has come to be considered the premiere program of its kind, ahead of the curve and comprehensive in its approach to serving the needs of veterans; especially those returning from deployment(s) in Iraq and Afghanistan. While ultimately supported by both the Senate and Assembly Veterans and Mental Health Committee's, we

would like to offer a special note of thanks to Senators Greg Ball, David Carlucci, Cecelia Tkaczyk and Lee Zeldin for their unwavering dedication and support of the VMHTI.

### **PROBLEM GAMING INITIATIVE**

Given the state's recent passage of a referendum to allow for casino gaming in New York State, we have pioneered an initiative which will span the course of two budget cycles through the creation of an unprecedented partnership between the New York State Chapter of the National Association of Social Workers (NASW-NYS), the New York Mental Health Counselors Association, the New York Association for Marriage and Family Therapy, and the National Association for the Advancement of Psychoanalysis, (NAAP) to develop a comprehensive, multi-discipline, multi-year training curriculum rooted in best practices for the purposes of readying our state's mental health workforce and casino workforce for a predicted uptick in problem gambling.

In an effort to advance the initiative, we have met with key legislative members, the Office of Alcoholism and Substance Abuse Services, prepared and delivered testimony at the April 9, 2014 hearing on the issue of problem gambling held by the New York State Gaming Commission. In addition, we reached out to all casino applicants to determine their interest in working with us to explore strategies to address problem gambling and promote responsible gaming in New York.

### **CLOSURE OF WESTERN NEW YORK CHILDREN'S PSYCHIATRIC CENTER**

Last summer, the Cuomo administration announced plans to reconfigure state psychiatric services over the next four years by consolidating 24 inpatient hospitals into 15 regional centers and establishing more outpatient service centers. After several months of stakeholder meetings, the West Seneca Children's Psychiatric Center was among those on the list slated for consolidation, however, Senator Patrick Gallivan vowed to keep the facility open and advocated tirelessly to that end within the context of the State budget. In the end, it was, for the time being, reprieved. The Chapter received many membership inquiries throughout the process and as such staff continued to provide updates, analysis, messaging, information regarding opportunities for engagement and ultimately, coordinated with the Senator's office to offer the assistance of his social work constituents, who, in the final days of budget negotiations

mobilized to make calls to Albany in support of the Senate's initiative to keep the facility open. This is a prime example of how membership input, drives the Chapter's work in Albany and the role we can collectively play in the legislative arena regarding issues that impact social work services and practice.

### **LIMITED LIABILITY PARTNERSHIPS**

For a number of years, NASW-NYS has worked in collaboration with the NYS Society for Clinical Social Work to advance legislation to allow licensed mental health professions to form limited liability corporations; opening another avenue for practice. The issue has encountered a number of obstacles over the years including a general reticence to alter specific sections of the state's corporate practice statute (as opposed to a holistic re-examination of the issue in general as it impacts many professions) and opposition from sectors of the medical community (who are also not allowed to form cross disciplinary corporate partnerships). Late last year, the Senate Higher Education Chair convened a roundtable discussion in which representatives from many of the licensed professions participated; crystallizing the difficult nature of developing a one size fits all solution. NASW-NYS will continue to proactively engage potential mental health partners and legislative stakeholders in ongoing conversations to work toward a solution.

### **PROVISION OF TREATMENT UNDER WORKERS COMPENSATION**

NASW-NYS has actively sought the passage of legislation that would add Licensed Clinical Social Workers to the list of qualified mental health care providers authorized to deliver mental health services under the state's Workers Compensation program. We are thrilled to report that by session's end, the bill had advanced through each house and currently awaits delivery to the Governor for his signature. We are working with our colleagues at the NYS Society for Clinical Social Work to engage the Governor's staff and assure his support. In addition, we recommend our members write to the Governor urging his support (a template letter will be posted on our website and Facebook page) If enacted, this measure will provide a new opportunity for LCSW practitioners.

### **SOCIAL WORK IN PALLIATIVE CARE**

Over the last year, NASW-NYS has been engaged to partner with the Home Care Association of New York State in a number of efforts that seek to increase social work student's exposure to palliative care practice, encourage practitioners in the field to pursue careers in palliative care and increase continuing educational opportunities focused on the provision of palliative care. A successful step in the direction of realizing these goals came with the passage of a bill in both houses to amend the public health law, in relation to the palliative care education and training council; and directs the council to examine and make recommendations relating to such training and education in nursing and social work schools by including a social work representative on the New York State Palliative Care Education and Training Council. As a result of the work of The Home Care Association of New York State and support from NASW-NYS Chapter an opportunity has been created for the social work profession to be included in the state's palliative care discussions.

At the national level, NASW has already assumed a leadership position related to the role of social work in palliative care, having established *Standards of Social Work Practice in Palliative and End of Life Care*. As one of the core professions providing services within an integrated health care delivery system, inclusion of the social work perspective in the Council's work will greatly assist in the identification of opportunities to ensure the preparedness of the state's workforce. The bill is awaiting delivery to the Governor's office. Additional updates will be provided when action is taken on the legislation.

### **PRESERVING SCHOOL SOCIAL WORK POSITIONS**

Throughout the spring, members from numerous districts reached out to the Chapter to alert us about proposed school district budget cuts that included cutting school social work positions. In each case NASW-NYS worked with members to draft memorandum in opposition to such cuts that clearly articulated the value of school social workers in supporting academic success and the outlining the differences between guidance counselors and other pupil personnel employees who may be tasked with social work duties in an effort to consolidate (and eliminate) positions. Given the fact that this has become a recurring challenge with each new proposed budget, NASW-NYS is exploring proactive ways to support our school social work members in advocating for the continued availability of

their services in schools across NYS and protect their positions from threat of elimination. Stay tuned for developments!

## **MANAGED CARE REFORMS**

### **OUT OF NETWORK BENEFIT COVERAGE**

In response to growing membership concerns related to the lack of out of network coverage, NASW-NYS advocated for a bill that seeks to amend both the insurance and public health laws that would require health insurers to offer coverage for health care (including mental health) provided by out of network providers. Although the bill received an enormous amount of attention by health providers, it did not advance through either legislative house by the close of session.

### **COVERAGE OF ADDICTIONS TREATMENT**

NASW-NYS policy staff provided consultation during the drafting of bill amendments (where it related to the provision of licensed social work) and ultimately the Chapter supported an initiative led by a broader coalition of stakeholders regarding the heroin, opioid and prescription drug abuse epidemic. The specific bill NASW-NYS engaged and advocated on behalf of passed both houses as session came to a close and amends the insurance and public health laws, in relation to requiring health insurance coverage for substance abuse disorder treatment services. The final bill provides for an expedited appeals process, requires insurers to use evidence based peer reviewed clinical criteria when determining medical necessity and requires that medical necessity decisions are made by medical professionals who specialize in behavioral health and substance use.

## REGULATORY ISSUES

### SOCIAL WORK MANDATORY CONTINUING EDUCATION

In June 2013 the legislature passed an initiative requiring Licensed Master Social Workers (LMSW's) and Licensed Clinical Social Workers (LCSW's) to participate in on-going continuing education. Once the Governor signed and chaptered the legislation, the State Education Department was tasked with promulgating implementation regulations. In February 2014, such regulations were posted for a 45 day period of public comment (NASW-NYS comments were shared with members via e-news). Regulations were approved at the April Board of Regents meeting. Hence, beginning January of 2015, LMSW and LCSW's will be expected to accrue at least 36 hours of continuing education per triennial registration period. The requirements will be implemented on a pro-rated basis for those whose re-registration period begins after January of 2015, essentially requiring such licensees to accrue an average of one credit hour per month. Continuing education credits accrued *before* January 1, 2015, will *not* be acceptable to meet the new requirement.

The regulations define a broad array of acceptable forms of accruing continuing education and include the specific allotment of hours considered per course or activity. Such acceptable forms include, but are not limited to, university and college credit and noncredit courses; and professional development and technical sessions related to the practice of social work offered by a provider approved by the State Education Department. In addition, the following activities are also included:

- preparing and teaching a course offered by a sponsor of continuing education;
- preparing and teaching a course, acceptable to the department, at a higher education institution or psychotherapy institute relating to the practice of social work;
- making a technical presentation at a professional conference sponsored by an organization that is an approved provider of continuing education;
- completing a self-study program offered by a provider approved by the Department;

- authoring a first-time article published in a peer reviewed journal or a chapter in a published book; and
- authoring a first time book in the practice of social work.

Organizations wishing to offer qualifying social work continuing education courses must first apply to the New York State Education Department. Eligible entities include higher education institutions; psychotherapy institutes chartered by the Board of Regents; national, state and local professional social work associations; national organizations of jurisdictional social work boards; or entities operated under an operating certificate issued under the Mental Hygiene or Public Health law. Provider applications were made available on the NYSED website in mid-June. In an effort to assist our membership in making this transition, we have been working closely with the State Education Department throughout the regulatory process and will continue to do so as the implementation phase evolves. Currently, they are working on soon to be published FAQs regarding the specifics of the continuing education program and a proration chart. The Chapter will disseminate such information as soon as it is available.

## SOCIAL JUSTICE ISSUES

### CONVERSION THERAPY

NASW-NYS advocated in favor of a bill that seeks to prohibit mental health professionals from engaging in sexual orientation change efforts with a patient under the age of eighteen years and expanding the definition of professional misconduct with respect to mental health professionals. This bill well represents the position of the National Association of Social Workers, as we have long held the position that the use of "conversion" and/or "reparative" therapies are explicitly condemned. We have long asserted that "people seek mental health services for many reasons. Accordingly, it is fair to assert that lesbians and gay men seek therapy for the same reasons that heterosexual people do. However, the increase in media campaigns, often coupled with coercive messages from family and community members, has created an environment in which lesbians and gay men often are pressured to seek reparative or conversion therapies, which cannot and will not change sexual orientation. Aligned with the American Psychological Association's (1997) position, NCLGB [NASW's National Committee on Lesbian and Gay Issues] believes that such treatment potentially can lead to severe

emotional damage. Specifically, transformational ministries are fueled by stigmatization of lesbians and gay men, which in turn produces the social climate that pressures some people to seek change in sexual orientation. No data demonstrate that reparative or conversion therapies are effective, and in fact they may be harmful." Each of our peer organizations such as the New York State Society for Clinical Social Work, the New York State Psychiatric Association and the New York State Psychological Association took positions in support as well. While the bill passed the Assembly in the waning days of session, it did not advance in the Senate. We will continue to work with key legislative members next session.

### VETERANS DIVERSION ACT

NASW-NYS policy staff played an integral role in the redrafting of language (specific to the provision of mental health services by licensed providers) for a bill that seeks to establish an alternative resolution program for service members and veterans (suffering from Post Traumatic Stress Disorders and Traumatic Brain Injuries) accused of certain offenses. The original language would have allowed providers not otherwise legally authorized, to provide a diagnosis and treatment of PTSD and TBI to do so. The language amendments offered by NASW-NYS narrowed such tasks to only those providers authorized by their specific licenses. Though the bill maintained steam throughout the session, it was not ultimately passed by either house, however, we expect a strong effort again next session.

### CHILD SAFE PRODUCTS

NASW-NYS worked in conjunction with a number of its peer organizations to assist a broader coalition of stakeholders for the advancement of a bill calling for the regulation of potentially hazardous chemicals used in children's products (ranging from children's apparel, baby products, toys, car seats, personal care products, as well as novelty products). Specifically, the legislation would require manufacturers of children products to report if certain priority chemicals are used in their products and by 2018, would prohibit the sale, distribution or offering of new children's products that contain such priority chemicals. In addition, the bill authorizes the Department of Environmental Conservation to periodically review the list of priority chemicals and, through regulation, identify additional priority chemicals or chemicals of high concern that are in children's products. NASW-NYS supported this legislation given the extensive scientific research that has been conducted and the evidence,

which indicates that exposure to toxic chemicals can cause lasting neurological damage and neurodevelopmental disabilities. The measure passed the Assembly but unfortunately, despite having 40 Senate co-sponsors, it was never brought to the floor for a vote.

### ADDITIONAL AREAS OF LEGISLATIVE FOCUS

In addition to the issues outlined here in detail, the Chapter has examined and analyzed numerous bills that have or may have an impact on the profession of social work or those whom we serve. We are constantly surveying the legislative and political landscape on behalf of the profession on issues relevant to the practice of social work. In particular, we continue to monitor implementation of the Affordable Care Act and its many intersections with the profession of social work. As such, we have collaborated with our national office in the redrafting our Social Work Speaks Position Statement on Healthcare delivery, engaged leaders in the New York State Healthcare Exchange regarding network adequacy and are working in partnership with a number of new partners to advance social work practice in healthcare.

## Your NASW Membership

Support's the Continuance & Growth  
of Our Advocacy Efforts on Behalf of  
the Social Work Profession.

