



N A S W

NEW YORK STATE CHAPTER

National Association of Social Workers

2015 Legislative Session Report

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...the power of social work

After an additional week of political wrangling, round the clock negotiations and late nights, the regular 2015 legislative session came to a close on June 25 at 12:30am. With its conclusion comes an assessment of our legislative service to members and as such, we are pleased to report yet another highly productive and successful session. While the legislative process often moves at a pace slower than would prefer, we did facilitate a number of clear victories on member identified priority areas, moved several initiatives further down the field, and kicked off multiple legislative campaigns that will continue to thrive in the 2016 session.

GOALS SCORED

SOCIAL WORK LOAN FORGIVENESS PROGRAM

Our first triumph of the session was realized when the 2015-16 Executive Budget Proposal was released in early January, and, as a result of our advocacy efforts throughout the fall, included an annualization of the **\$250,000 expansion** we had secured as a legislative add in 2014. We later learned that our program was the *only* annualized expansion of its kind included in the Governor's proposal.

Throughout the 2015-16 budget negotiations, we again advocated strongly for an additional increase to the program and successfully secured another **\$250,000**. Hence, we have now expanded eligibility of the program to each county (in whole or part), and enhanced the pool of available dollars by fifty percent.

PROBLEM GAMBLING

In an effort to continue to provide members with no cost quality continuing education programming that responds to emerging practice areas, we have pioneered an initiative, and secured substantial funding to create an unprecedented partnership between the New York State Chapter of the National Association of Social Workers, the New York Mental Health Counselors Association, the New York Association for Marriage and Family Therapy, the National Association for the

Advancement of Psychoanalysis, the Office for Alcoholism and Substance Abuse Services, and the New York Council on Problem Gambling to develop a comprehensive, multi-discipline, multi-year **Problem Gambling** training curriculum. The program is expected to begin in mid to late fall and will provide twelve continuing education credits, a certificate of completion and enrollment into a statewide referral database. We are very excited to offer this opportunity to our members...stay tuned for details.

ISSUED ADVANCED DOWN THE FIELD

WORKERS COMPENSATION PROGRAM

As previously reported, we have worked in partnership with the New York State Society for Clinical Social Workers to advance a bill that includes (adds) 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**. Unfortunately, while we were successful in passing the bill through both Houses in 2014, the Governor vetoed the bill in late December of 2014 (along with two other similar bills). Neither the veto message nor the Governors Counsel cited philosophical opposition to the concept of adding LCSWs, but instead, opposition to "piece meal solutions" to a system in need of reforms which were expected imminently through an initiative referred to as the "Business Process Re-engineering Project". As such, we continued our work with the Governor's staff, the Workers Comp Board, key legislative members, and their staff throughout the session, and as a result, expect a positive resolution to the issue early in 2016.

LIMITED LIABILITY CORPORATIONS

We continued our work to advance legislation that would allow licensed mental health professions to form **Limited Liability Corporations**. While the notion has faced a considerable amount of opposition, it is very important to our

members and we have continued to recalibrate our strategy, communicate with other stakeholders and broaden our approach to include collaboration with a coalition of Title VIII licensed professions. Since our last report, we have worked with this coalition to draft language that lifts the current ban on social workers incorporating with other professions *and* allows for all professions named in the bill to form limited liability corporations with physicians. We garnered legislative sponsors in each House and have had a bill introduced in each. This is a vital step in what is likely to be a lengthy, but worthy, process.

COLLECTIVE NEGOTIATIONS

NASW-NYS worked in partnership with the Medical Society of the State of New York (MSSNY) to advance a bill that would allow for **Collective Negotiations** by health care providers with certain health benefit plans. This bill would allow Licensed Clinical Social Workers in solo or small group practices to communicate with each other and jointly negotiate with health insurance companies in certain circumstances. Without this basic right, independent clinicians and those in small group practices are powerless to challenge huge health insurance companies that offer “take it or leave it” contracts often containing provisions unfair to care providers and patients alike. Enactment of this initiative would empower Licensed Clinical Social Workers to advocate for their patients, encourage competition among health care plans, and restore some semblance of fairness and balance in a marketplace that is increasingly and overwhelmingly dominated by one sector of the health care industry. While this is another initiative that we fully expect to be a long haul, policy staff actively represented the voice of social work, met with key legislative members, weighed in with memorandum of support, and engaged NASW members in a legislative letter writing campaign. The bill moved through the Senate Health Committee. We will remain committed to its continued advancement.

COVERAGE OF OUT-OF-NETWORK PRACTITIONERS

NASW-NYS continued to support and actively advocate for a bill requiring health care insurers to offer coverage for care provided by **Out-of-Network**

practitioners. The inclusion of out-of-network benefits in health care policies would ensure consumer choice and continuity of care in instances where consumers experience a change in coverage of their health/mental health benefits. We increased our efforts around this initiative to include working in collaboration with the New York State Psychological Association, the New York State Psychiatric Association, the New York State Society for Clinical Social Work, and the NASW- NYC Chapter to jointly call for action on this bill. In addition, we also engaged membership in a legislative letter writing campaign.

CONVERSION THERAPY

NASW-NYS has continued to actively advocate in favor of a bill that seeks to prohibit mental health professionals from engaging in sexual orientation change efforts (**Conversion Therapy**) with a patient under the age of eighteen years, and expands the definition of professional misconduct with respect to mental health professionals. NASW has long held the position that the use of “conversion” and/or “reparative” therapies is explicitly condemned. The bill advanced through the Assembly, though it met with some resistance in the Senate; not as a result of philosophical opposition, but because of a concern by legislative members that statutorily prohibiting a specific therapeutic modality could be a dangerous precedent to set. We have been asked to assist in the facilitation of an alternative solution such as issuing guidance from our organization and advocating that the State Education Department follow suit to iterate the dangerousness and unethical nature of conversion therapy. Our national organization has already issued such guidance, and we are in contact with the Empire State Pride Agenda to determine next steps and collaborate on a potential solution.

KICK OFF CAMPAIGNS

Membership engagement on legislative issues hit new heights this year as we developed five action oriented campaigns. Campaign topics included **Collective**

Negotiations, Out of Network Insurance Coverage, Banning Conversion Therapy, School Social Work Preservation, and Raising the Age of Criminal Responsibility. While we have already discussed several of the campaigns above, details related to the others are included below:

PRESERVING SCHOOL SOCIAL WORK POSITIONS

In the spring of 2014, members from numerous school districts, yet again reached out to the Chapter to alert us of proposed budget cuts that included cutting School Social Work positions. In each case we worked with members to draft memorandum in opposition to such cuts, clearly articulated the value of school social work positions, and elucidated the difference between school social workers, guidance counselors, and other pupil personnel employees who may be tasked with social work duties in the face of shrinking budgets. Given the fact that this has been a recurring annual issue, NASW-NYS President, Peter Chernack, appointed a School Social Work Task Force which was charged with:

- Better preparing School Social Workers and allies to articulate the value of school social work practice
- Educating School Districts (Superintendents and Boards) about the value of social work and the difference between School Social Workers and other pupil personnel services
- Increasing the visibility of the School Social Work profession
- Recommending and participating in advocacy strategies (including legislative initiatives being developed by the Chapter) to strengthen the role of school social work.

As a result, the Task Force drafted an *NYS School Social Worker Survival Kit* which can be accessed for free at <https://naswnys.org/social-work-practice/licensure/school-social-work/>. Concurrently, the Policy Team has been working with members to organize School Social Workers in support of a bill that mandates at least one School Social Worker in each school. Policy staff worked with the bill's sponsor and other key legislative members, issued memoranda of support,

organized lobby visits for School Social Workers, and organized a successful call in campaign to garner additional bill sponsors. While we recognized the issue would not come to fruition this session, we contend it is worthy of building a comprehensive strategy and momentum for the 2016 session. The Assembly sponsor noted (with great enthusiasm) that he'd heard from several hundred social workers...great job members!

RAISING THE AGE OF CRIMINAL RESPONSIBILITY

Last fall, at the urging of members, NASW-NYS signed on to an initiative focused on raising the age of criminal responsibility (from 16 to 18) and reforming the juvenile justice system. Currently, New York is only one of two states that automatically processes, prosecutes, and incarcerates youth as adults. In response to ever expanding advocacy efforts for such reforms, the Governor appointed a Commission on Youth, Public Safety and Justice in the spring of 2014. The composition of the Commission included district attorneys, defenders, judges, advocates, probation department leadership, researchers and law enforcement. They traveled the state for a period of nine months, holding hearings and forums on the topic and conducted a great deal of research. In the end, they provided the Governor with 38 recommendations that included raising the age of criminal responsibility from 16 to 18, assuring no youth will be incarcerated in an adult facility, providing for diversion when reasonably applicable, seal-ing the records of juvenile offenders when reasonably appropriate, establishing special youth courts with judges with youth expertise, creating a robust system of community-based supports for both the youthful offender and their families such as substance abuse assessments and treatment, mental health assessments and treatment, crisis intervention, case management, and respite services.

The initiative was included in the Governor's executive budget proposal, but, the legislature did not embrace the idea of enacting such broad policy reforms in the context of the budget, As a result, the initiative was to be taken up in the regular (post

budget) session, however, after intense negotiations, however the Legislature and Governor were unable to reach a compromise. The Governor has noted he will address the issue, in part, through an Executive Order that will move New York State into compliance with federal statute (prohibiting the incarceration of 16 and 17 year olds in adult facilities). There is much more to be done on this issue and we expect it will again be a high visibility issue. In addition to our advocacy efforts at the capital, we also engaged members in a letter writing and call in campaign – a measure that received great feedback from members of the Legislature. We thank all of our members who participated and helped make sure the social work voice was heard.

Off session, your policy staff is proactively working on addressing the social work licensing exemption, a Delivery System Reform Incentive Payment related project, collaborating with the Chapter's Advocacy and Government Relations Committee to survey the legislative and social work practice landscape and provide any necessary tweaks our 2016 legislative agenda. In addition, we encourage ongoing member input. Should you have any questions, comments or feedback, please contact Karin Carreau at KarinCarreau@naswnys.org.

Your NASW Membership

Supports the Continuance &
Growth of Our Advocacy Efforts

