

2018 Legislative Forecast

December 2017: Quarterly Report

As we head toward the end of the year, the 2017 legislative session is but a distant image in our rearview mirror, and despite our enormous achievements, we've spent the fall months shifting focus to the upcoming 2018 session; teeing up our issues, meeting with key legislative staff members, the executive team, pertinent state agencies, the Division of Budget, and stakeholder organizations. When the 2018 session gavel strikes the sound block on January 3rd, the legislature will be facing a looming deficit in excess of \$4 billion, a still fractured Senate, and a contentious election year cycle. In the midst of such, we will continue to methodically and strategically keep NASW priorities in the consciousness of policy makers at each level.

The initial three months of the 2018 session will focus on the budget, beginning with the Governor's State of the State Address, outlining the broad brushstrokes of his agenda, followed by the release of his Executive Budget proposal, Budget Hearings, and the release of Senate and Assembly one house budget bills – all culminating in weeks of difficult and spirited negotiations. Legislators will be racing against the calendar to complete such work by March 30th (a day early) to break for Passover and Easter while still delivering an on-time budget, required to be enacted on April 1.

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SOCIAL WORK INVESTMENT INITIATIVE

A number of our issues will be taken up in the context of the budget. First and foremost, the **Social Work Investment Initiative**, a comprehensive proposal that, if enacted, will finally and fully implement the 2002 social work Licensure Law across all sectors of service delivery and make a sound investment into the profession by dedicating:

- \$4 million for an additional Loan Forgiveness Program for social workers employed by currently exempt settings,
- \$18 million for an incentive program for currently exempt agencies to increase the number of licensed social workers available to provide supervision, and
- \$750,000 for the development and distribution of culturally sensitive and ESL licensing test preparation, as well as the development and implementation of a workforce survey to assist in tracking and identifying workforce gaps

In addition to around-the-clock internal government relations work with key legislative members, their staff, and the executive team, the National Association of Social Workers – New York State (NASW-NYS) Chapter, in partnership with the New York City Chapter (NASW-NYC), the New York State Society for Clinical Social Work (NYSSCSW), and the New York State Association of Deans of Schools of Social Work, will be engaging their respective members in a statewide grassroots campaign on the topic. It has been 14 years since the statute was enacted, giving agencies more than enough time to fully implement a law that is fundamentally rooted in providing consumer protection and equal access to appropriately educated and experienced licensed mental health professionals.

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RAISE THE AGE

In addition to the Investment Initiative, we will stand shoulder to shoulder with our Raise the Age partners to advocate for the robust funding now required to effectively implement the **Raise the Age** legislation. Optimal outcomes will only be realized if adequate funding streams encompass dollars to support: probation officers and services (alternative to detention); alternatives to incarceration/placement, services for adolescent offenders; increased Family Court Judges (for both family court and the youth part); transportation costs (particularly upstate); capital for facilities—detention; secure detention for 16/17 year olds; close to home, adequate operating costs-services for facilities, attorneys to represent youth in family court/youth part; training

curriculum for judges, lawyers, probation, service providers, and police; funding to Police Departments for the space to interview the children; and family navigator programs.

We will also be vigilant in our analysis of the budget for any initiatives that would negatively impact the profession. Last year, there was a move to establish a Health Care Regulation Modernization Team, an initiative, if enacted, would allow for circumvention of the legislature (or stakeholders) to alter professional scopes of practice.

WORKERS COMPENSATION & WORKFORCE DEVELOPMENT

We will also continue our work to include LCSWs as providers to the **Workers Compensation Program** and secure funding for the Chapter's nationally recognized and replicated, **Veterans Mental Health Training Initiative**.

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Outside of the budget, we will continue to vigilantly protect the scopes of practice for the LMSW and LCSW, by again, mounting strong opposition to attempts by less qualified mental health professions to simply add "diagnosis" to their scopes of practice without alteration of their education and experience requirements.

In 2002, after 28 years of negotiation, the legislature and then Executive enacted legislation to license the practice of social work, as well as other mental health professions. In doing so, a standard of education, experience and examination were established to provide certain services, particularly, the diagnosis of a serious mental health disorder.

In the last several years, other licensed mental health professions have made attempts to alter their scopes, mandate insurance reimbursement, and be recognized by Medicaid for services they cannot statutorily perform. Passage of any such measures not only erodes social work scopes of practice, but also allow for the provision of services by individuals not meeting the established statutory threshold of education and experience.

LLC BILLS

In 2018, we will continue our multi-year campaign work with the Title VIII Coalition on an **LLC omnibus bill**, which would allow licensed social workers to form a corporate practice with any other licensed profession (who are not expressly prohibited by law to do so). As we have previously reported, this is a long-term initiative that must overcome many hurdles related to business corporation laws, as well as the legislature's lack of appetite to act on such bills. We will also continue to take steps to advance a standalone bill that seeks to allow LCSWs to form a corporate practice with Psychiatrists and Psychologists. This year, we have companion bills in each house, a strong start to the new session.

PRESERVING & INCREASING SCHOOL SOCIAL WORK POSITIONS

After much work last session and throughout the fall, in partnership with the New York State School Social Work Association (NYSSWA) and the New York State United Teachers (NYSUT), we are awaiting introduction of a bill (in each house) that would require students have access to a **school-based social worker**. Just several weeks ago, [in a press release related to their annual survey](#), the New York State Council of School Superintendents noted that *"Improving mental health services was the most widely cited priority among superintendents, who were asked to rank the top three priorities if their district were to receive funding beyond what would be needed to maintain current services and satisfy mandates."* They went on to say *"The share of superintendents who would make improving mental health, counseling, social work or related services a priority for new funding climbed 17 points in one year, from 35 percent in the Council's 2016 survey to 52 percent this year."*

Our bill, if enacted, would be a strong step in ameliorating the pressure on districts to meet the mental health needs of students. This too will be a focal point and campaign for the Chapter.

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PARITY IMPLEMENTATION

As original members of the Timothy's Law Campaign, NASW-NYS and NASW-NYC, in partnership with NYSSCSW, the New York State Psychiatric Association, the New York State Psychological Association, and Families Together in New York State, have been working to advance a bill we developed in response to our analysis of six Attorney General suits against

NYS insurers who failed to comply with the state's mental health parity bill. The bill requires insurers and health plans to submit certain data to the Department of Financial Services and the Commissioner of Health, as a way of measuring compliance with federal and state mental health and substance abuse parity laws. The data will be used by the Department of Financial Services to prepare an annual Mental Health Parity report as part of the annual Consumer Guide. By sessions end, in June of 2017, we had made several amendments to the bill, however, last minute concerns prohibited passage. We are working on additional amendments that will pave a path forward in the 2018 session.

Major components of the bill will capture the data on the following areas:

- Articulation of Timothy's Law Compliance plan
- Rates of utilization for both mental health and substance abuse (such data groups will be separate)
- Number of concurrent authorization requests for mental health and substance abuse and the rate of denials,
- Number of cases/denials that have gone into peer review
- List of services that require prior or concurrent review and the number of days/threshold that triggers such a review
- List of covered medications for the treatment of substance abuse disorders
- Percentage of mental health and substance abuse disorder claims paid for in network versus Med/Surg
- Percentage of mental health and substance abuse claims paid for out-of-network vs. Med/Surg
- Medical necessity criteria
- Number of behavioral health advocates (as per AG settlements) available to policy holders
- Network Adequacy
- Number of mental health providers who have left, or have been removed from a provider network

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CONVERSION THERAPY

NASW-NYS and NASW-NYC, in partnership with NYSSCSW, the New York State Psychological Association, and the New York State Psychiatric Association, will continue to lead the charge on a bill prohibiting licensed mental health providers from providing so called **conversion therapy**. While we substantially advanced the bill during the 2017 session, the bill failed to pass the Senate. We have already begun to craft a comprehensive 2018 campaign – **stay tuned for details!**

RACIAL EQUITY

In conjunction with NASW-NYC, the state chapter has worked to advance the creation of a Legislative Committee that will review legislation through a lens of **racial equity**. While we immediately identified a strong partner in the Assembly, we continue to meet with potential sponsors in the upper house. Campaign efforts are currently ongoing, in addition to building support among stakeholder organizations.

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As you can see, our robust agenda for the upcoming session promises to cover a wide breadth of priority issues, provide a strong professional and social justice voice at the Capitol and provide numerous opportunities for engagement.

In addition to our pre-session work at the Capitol, we have reconstituted our Advocacy and Government Relations and Political Action Committees. Our initial meeting was held in early October, with a follow up meeting scheduled for December 13th.

ABOUT KARIN CARREAU



Karin Carreau, MSW, Founder and Principal of Carreau Consulting, has been on the scene at the Capitol for nearly 15 years and as such, has built a strong track record of successes. Throughout her career, Carreau has provided representation on high profile issues in the arenas of juvenile justice, mental health parity, professional scope of practice licensing and continuing education issues, social services and consumer protection. Carreau created the state's Veterans Mental Health Training Initiative and co-created the state's program on problem gambling: The Problem Gambling Training Partnership.

Carreau has worked extensively with statewide associations to develop strategic organizational policy priorities, craft and implement issue-specific campaigns, construct public relations messaging, cultivate stakeholder engagement, and foster coalition building.