



Updated Quarterly Policy Report

Date: April 17, 2017

The 2017 Legislative Session began in earnest in early January when, the Governor, in a break with tradition harkening back to 1923 (when then Governor Al Smith delivered the first annual State of the State Address at the Capitol), instead, took his message on the road this year and delivered slightly varied messages in six regional State of the State addresses across the state (New York City, Western New York, the Hudson Valley, Long Island, the Capital Region and Central New York).

While each of the presentations had a regional focus and announcements for plans specific to the locale, there were many common elements in the broad brushstrokes of his 2017 “Excelsior, Ever Upward” agenda. Items of particular interest to NASW and the social work profession at large include: Protections for students under the Human Rights Law, establishment of the The New York State Suicide Prevention Task Force, enacting protections against the pending repeal of the Affordable Care Act, additional plans to combat the opioid and heroin crisis, Raising the Age of Criminal Responsibility from 16 to 18, and expanding access to veteran’s treatment courts.

The Governors regional addresses were followed up with the equally unconventional unveiling of his Executive Budget proposal. While Governors typically present their executive budget proposal before a gathering of the full Legislature, reporters and other stakeholders, breaking with tradition, yet again, Governor Cuomo opted instead to privately and separately brief lawmaker groups before unveiling it to the public and reporters in a press conference late in the evening on Tuesday, January 17, 2017, only hours before the midnight constitutional deadline. Earlier in the day, the Governor offered to similarly brief reporters though only if they adhered to a five-hour embargo on the information. Not surprisingly, they refused and, along with the Albany regulars spent much of the day wondering when the budget bills would be seen.

Nevertheless, this ushered in the budget season in Albany and as such, the Legislature has, since it’s release, begun its work on the complex and often contentious task of reaching consensus on a final bill with an enactment date of April 1. The two houses spent most of their February session days holding joint hearings on each umbrella section of the Governors proposal. In early March, each of the houses will release their “one house” bills, outlining each of their respective priorities. The final weeks of March will be spent in non-stop negotiations between the houses and the Governor, with lobbyists and advocacy organizations, pedaling their wares until the final moments pass.

Career Protection

As always, a number of NASW priority issues are encompassed in the budget, however, much to our disappointment, one issue is glaringly absent – **Social Work Licensure Implementation**. As has been exhaustively reported, we, along with the Senate and Assembly had a written promise from the Governor to address (and finally conclude) negotiations on the social work licensure exemption. In expectation of such work this year, the two Chapters, the NY State Society for Clinical Social Work and the NYS Association of Deans and Carreau Consulting, met with a broad base of stakeholders throughout the summer to develop a joint response to the Governor’s June proposal. Carreau Consulting then met with the Governors staff, legislative leaders, pertinent legislative committee staff, and the Division of Budget to present the joint response, which, consisted of a reasonable approach and timeline for implementation, concession that a number of tasks (such as benefits counseling and

homeless outreach do not require a licensee), provisions for increased supervision specific to the provision of assessments and development of treatment plans and a robust investment into the profession. As reported in the December Quarterly, the investments include: funding for loan forgiveness program specific to the exempt universe, funding for increased supervision in such settings, funding for ESL and culturally sensitive test preparation and funding for social work workforce data collection. Our overall package would save the state over \$335 million dollars in annual implementation costs (as per their own estimates). We are continuing to present our Investment Initiative to the legislature and will include it as one of the Chapter's Lobby Day issues (March 28th).

While neither the Chapter's nor the Legislature is satisfied with the lack of inclusion in this year's budget cycle, it was not surprising, considering the exemption doesn't expire until next year (Dec of 2018). However, on a related note, the budget does include an initiative we are extremely wary of, and as such, have sounded the alarm bell. In a move we read as a possible back door to altering the social work scope of practice, the Governor included an initiative in the Health and Mental Hygiene Budget to create a **Health Care Regulation Modernization Team** which would be tasked with "providing guidance for, and advice to the governor toward the fundamental restructuring of statutes, policies and regulations that govern the licensure and oversight of health care facilities and home care to better align with recent and ongoing changes in healthcare delivery..." While an initiative such as this, may, in fact sound reasonable, included in the language is a paragraph that would allow such "Team" to make recommendations for the purposes of "creating more flexible rules on licensing and scope of practice for clinicians and caregivers..." If enacted, this would grant the Governor broad authority to alter scopes of practice (such as social work) *without* Legislative consent. In an effort to remove such language, we have met with all legislative stakeholders in the Assembly and Senate, their staff and Program and Counsel to both the Higher Education and Mental Health Committees. As a result of our work, the Assembly completely rejected the language and the Senate, while accepting the notion of a Health Care Regulation Team, omitted the language we were concerned about. The final budget omitted the notion completely!

Workers Compensation Program – We have continued our work with the Workers Compensation Board to add LCSW's as authorized providers. As such, we have a stand alone bill drafted and ready to be introduced as soon as we receive sign off from the Board. The Board is considering the introduction of a comprehensive bill, similar in construct to the Executives 2016 budget proposal which includes LCSW's. We have a follow up meeting scheduled with them in several weeks where they should have a decision on the trajectory of their plans for their bill. If they decide against introduction of such bill, we will advance our stand alone bill (with their support).

LLC Bills – We are working with the Title VIII Coalition on the omnibus bill, which, would allow licensed social workers to form a corporate practice with any other licensed professions (who are not prohibited by law to do so). We are also working to advance our stand alone bill that allows LCSW's form a corporate practice with Psychiatrists and Psychologists. The bill has been reintroduced into the Assembly, **AND WE HAVE JUST SECURED A SENATE SPONSOR!** Stay tuned for details.

Preserving and Increasing School Social Work Positions – We have continued our work in conjunction with the NYS School Social Work Association to introduce a bill that would require students have access to a school based social worker and recommend student to school social worker ratio's at 250/1. In an effort to build momentum around this issue, we have recently met with and on-boarded NYSUT as a partner. As a result, we are currently working on bill language and have bill sponsors lined up. Stay tuned for details of this exciting new partnership.

Also in related news, the Board of Regents accepted the updated School Counselor Regulations, which, after 18 months of work with the Department and allied associations, role back the initial attempts to impinge on the scope of practice for school social workers. The new regulations are out for public comment – we are reviewing now.

Parity Implementation – NASW- NYC and NYS are working in partnership with the New York State Psychiatric Association, the New York State Society for Clinical Social Work, and the New York State Psychological Association and Families Together in New York State to advance a bill we developed in response to our analysis of the Attorney General suits against six NYS insurers who failed to comply with the state's mental health parity bill, also known as, Timothy's Law. The purpose of SB 1156 / AB 3694 is to require 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. While the Senate version was introduced late last session, the Assembly companion was just recently introduced. Now that we have a “same as” bill in each house, we are working to build support within the legislature and DFS.

Social Justice Issues

Raising the Age of Criminal Responsibility – While the Governor again included language in his Executive Budget proposal, the battle to raise the age continues to be both laborious and delicate. The Independent Democratic Conference has shown a renewed interest in the issue, as they have publicly prioritized passage of RTA and though this has indeed re-engaged the Senate in discussions, it has also resulted in a bit of wrestling with the mainline Democrats regarding what the best approach (or bill) is. Meanwhile, the Assembly signaled their strong commitment to the issue this year by passing their version of the bill. As was provided in the April 10th version of *Last Week in Review*, after tortured negotiations that held up the entire budget, RTA legislation was passed! A Briefing pending.

Conversion Therapy - NASW-NYC and NYS are continuing (in partnership with the NY State Clinical Society for Social Work, the NYS Psychological Association and the NYS Psychiatric Association) to lead the charge on the banning of conversion therapy. The bill was just recently reported out of the Assembly Higher Education and Codes Committees, with all organizations noted above, represented in full support. We are currently working with the bill sponsors in each house to strategize about building momentum for the initiative, particularly in the Senate, where it continues to get stymied each year. The partnership held a very successful Press Conference and Lobby Day on April 25th. Press Coverage included pieces in the AP, Buffalo News, Newsday, News Chanel 6 and Kaiser Health News. In addition, Candida Brooks-Harrison will be featured on a Capitol Tonight Segment on April 27th and 8pm. This is the first of many events we will hold on this issue.

Racial Equity – NASW-NYC is the leading the charge – in partnership with the NYS Chapter, to advance a bill that requires the State Legislature to institute a Legislative Committee that will review legislation through a lens of racial equity. We are very excited to report, that our work has resulted in the introduction of a bill in the Assembly (AB. 5851) and we are currently meeting with potential Senate sponsors and may have interest...final conversations pending.