

PARK STRATEGIES, LLC

End of Session Report – NYSPA

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Session Timeline

*>The legislative session got fully underway on **January 10** with the Governor's State of the State address.*

*>On **February 1** Governor Hochul unveiled her \$227 billion Executive Budget proposal.*

*>On **March 14** the legislature countered the Governor's proposal with their own one house bills.*

*> For the second year in a row, negotiations missed the April 1 deadline, and a final agreement did not materialize until **May 1**.*

*>Because of the late budget, the legislature was left with six weeks on the session calendar to push through remaining policy proposals by the scheduled end of session on **June 8**.*

*>Session actually concluded on **June 10** with the caveat that the Assembly would come back to finish its work.*

2023 Session Overview

General:

The 2023 legislative session opened on January 4 after Governor Hochul won a closer than anticipated gubernatorial election to win in her first official bid to become Governor of New York State, and with both houses of the legislature maintaining their super majorities.

It was by all accounts *not* a business-as-usual session as contentious budget negotiation pushed a final agreement to May 1, a full month past the April 1 deadline, taking up the majority of the session calendar and effectively truncating what is usually a fairly robust post budget policy portion of the legislative session. Typically, the first three months of the session are budget focused as the Governor and the legislature hash out agreements on spending and policy initiatives. This year's negotiations resulted in a \$229 billion spending plan.

The budget was held up by three main policy objectives on the Governor's agenda – bail reform, charter schools, and a broad group of housing proposals. While the Governor and the legislature did come to agreement on bail and charter schools, housing issues – including good cause eviction – were not addressed in the enacted bill. The housing discussion carried over until the final days of session when the legislature announced it could not get to an agreement with the Governor. This is a major policy issue and will likely lead to continued discussions off session – leaving open the possibility of the legislature returning if they and the Governor reach an agreement.

For the Senate, session concluded fairly quietly Saturday morning, June 10, with local bills and nominations. The Assembly session stalled and was adjourned later in the day with the caveat that members returned to finish their agenda (particularly local bills) on June 20th and 21st.

There were a couple of other policy issues that were dealt with at the end of session including the passage of a Clean Slate bill that has been in the offing for at least two years. The bill was negotiated and agreed to in the final days and passed by both houses ([A1029C/S7551A](#)).

Another important issue, which the Governor had attempted to address during budget negotiations, was to put together a legislative package that would obviate the need to continue extending Executive Order 4 and its successors in relation to the State's health care staffing shortage. The budget had included a range of health care scope of practice related provisions which, among other things, would have allowed certain licensed practitioners to perform services either on their own, allowed others to practice in settings not necessarily within their scope of practice, and allowed EMS providers to provide medical transportation outside of their designated territories in certain instances. None of the scope provisions in the Executive Budget proposal found their way into the enacted budget. Thus, at the end of session, the legislature proposed a range of bills to attempt to obviate the need for extensions of EO 4 including a short-term process for temporary permits for doctors and nurses at facilities while license applications are pending (A6697B/S7492B), community paramedicine (A6683B/S6749B), and standing orders (A6030C/S6886A). While the bills were passed by both houses and it is anticipated the Governor will sign them, the general consensus is that the measures will not close gaps in available staffing and thus potential gaps in services that are currently plaguing the health care industry statewide.

NYSPA Legislative Wins:

NYSPA successfully opposed the Enactment of Legislation Licensing School Psychologists – A.2033 (Rosenthal)/S.3036 (Brouk)

NYSPA has successfully opposed the enactment of legislation that would create a new profession for school psychology, which would require candidates to hold at least a master's degree, meet practice experience requirements, and would also require passage of an examination prior to licensure for independent practice. This legislation would harm the psychology profession, as it would allow non-doctoral school psychologists to practice with the title of psychologist outside of a school setting. The bill, **S.3036**, passed the Senate in the final days of session as a priority of the sponsor, Senator Samra Brouk (Rochester). In May, NYSPA leadership activated the Grassroots Committee, and worked with allied associations to oppose the bill. Ultimately, **A.2033 (L. Rosenthal)** was not referred out of the Assembly's Higher Education Committee. NYSPA will continue to oppose this legislation in its current form but has opened doors to negotiate language moving forward, as this bill has gained traction over the past several sessions.

NYSPA has successfully opposed the enactment of Kyra’s Law as currently drafted – A.3346-A (Hevesi)/ S.3170-A (Skoufis)

NYSPA has opposed Kyra’s Law as currently drafted, which would make several changes to the domestic relations law related to child custody and visitation proceedings, aimed at addressing court proceedings once allegations of child abuse or domestic violence are levied against one of the parents. NYSPA acknowledges that this bill is well intentioned but has serious concerns regarding some of the specific provisions contained in it. NYSPA has committed to helping to work on necessary reforms to the child custody evaluation system, but these proposals should be carefully vetted before implementation. This legislation needs a significant amount of revision before it could be adequately implemented in the courts.

NYSPA Affirmative Priorities:

Prescriptive Authority – A.1262-A (McDonald)/ S.66-A (Harckham)

NYSPA continues to advance legislation that would allow psychologists to prescribe appropriate medications for the treatment, diagnosis, and management of individuals under their care. The legislation would require specialized training, education, clinical experience, passage of an examination, and certification before such authority is granted. NYSPA took a major step in 2023 by reviewing and amending the legislation to reflect language that has passed in other states. Additionally, NYSPA awarded Assemblyman John McDonald with its Beacon Award, for his work in advocating on behalf of the profession.

The bill was not referred out of the Higher Education Committee of either house during this session. However, we continue to raise the profile of this legislation, and will undertake additional efforts to move toward passage in the off-session.

Continuing Education - A.3828 (Fahy)/ S.5518 (Brouk)

NYSPA supports legislation that would amend the psychology continuing education state to include a mandatory three hours of coursework in the area of diversity, equity, and inclusion. Additionally, it would allow for all courses taken from the American Psychological Association, its divisions, or affiliates as automatically approved CE courses for licensed psychologists. For the second year in a row, the bill has passed in the Senate, but concerns from SED have halted passage in the Assembly. We will continue to work with our sponsor in the Assembly to work through the concerns that staff and SED have raised in relation to this bill.

TELEHEALTH IN WORKERS’ COMPENSATION: A.10149 (Lunsford)/ S.9055 (Brouk)

NYSPA supports legislation that would allow for mental health services to be treated by telehealth (either video or audio only) with one in-person visit within 12 months of the first video telehealth visit

and within 6 months of the first audio telehealth visit unless the provider determines that an in-person visit is likely to cause disruption in service delivery, has the potential to harm a patient's condition, or would create an under burden on the patient. While the WCB has been working on regulations that would expand telehealth in the workers compensation system, NYSPA prefers this legislative approach to the WCB's regulatory proposal.

EQUITABLE SCHOOL DISCIPLINE: A.5691 (Solages)/ S.1040-A (Jackson) (Bills do not currently match)

NYSPA has worked with a broader coalition of organizations in supporting legislation that would amend the education law to reform school discipline policies in an effort to ensure the application of fair and equitable school discipline for all students. This legislation would provide increased oversight and equity on the implementation of discipline through the educational system. It will also close the gap in the discrepancies that exist at this time. Psychologists would play a significant role in the implementation of this bill. Pursuant to the language, a licensed psychologist would be permitted to use scientific culturally sensitive, evidence-based approaches and interventions to change behavior among children and adolescents and among teachers and the workforce associated with school children within the education system and in the community. This legislation did not move in 2023.