



Comments of

**The New York Association of School
Psychologists**

on the

**The NYS Health Executive Budget
for Fiscal Year 2024-2025**

January 2024

Greenberg Traurig, LLP
54 State Street
Albany, New York 12207
Phone: 518-689-1412 Fax: 518-689-1499
CONTACT: Pamela A. Madeiros, Esq.

Comments of

The New York State Association of School Psychologists

on the

The NYS Health Executive Budget for Fiscal Year 2024-2025

INTRODUCTION

The New York Association of School Psychologists (NYASP) is a statewide organization representing school psychologists across the state and the millions of school-aged children and families with whom they work on a daily basis. School psychologists are trained and educated in the psychology of learning, motivation, and human development in order to address the many factors influencing the performance of students. These qualified mental health professionals conduct screenings and evaluations to identify cognitive strengths and needs to ensure academic success, and, in some instances, to determine eligibility for special education services. These professionals provide direct psychological services within educational settings, community settings, and state and local agencies, as well as promote access to mental health services within the educational system through information platforms. They are valued partners with state agencies such as the Office of Mental Health and NYSED in the development of psychological interventions related to children and youth and the provision of instructional presentations on relevant issues such as trauma, suicide, and depression, and otherwise lend counseling and support to students and their families.

Our members have participated in countless work groups and task forces on a range of pressing issues resulting in invaluable publications and guidance documents around frameworks for safe and successful schools, the SAFE Act, bullying and discrimination in schools, mental health education literacy in schools (linking to a continuum of well-being), suicide prevention, and behavioral health.

We share these comments under the backdrop of the continuing national crisis that exists related to children's mental health. We are well aware of the impact that the past few years have had on the social and emotional adjustment of children and adolescents. The American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association have declared a national emergency in children's mental health, citing the serious toll of the pandemic and other social justice factors within our nation. The U.S. Surgeon General issued an Advisory to highlight the urgent need to address the nation's youth mental health crisis. And we applaud the Governor's own recognition of the mental health crisis in her recent State of the State address. Children in New York are hurting. We see many of the children in our schools struggling with increased anxiety, heightened levels of depression, and general difficulties managing the challenges of school and life.

NYASP is keenly aware of the workforce shortage in New York, particularly in the area of mental health providers. A crisis in mental health care for children and adolescents existed prior to the COVID-19 pandemic. This crisis has now been exacerbated by the pandemic, with

community mental health providers leaving the workforce due to burnout, and clients currently facing long waitlists and/or experiencing turnover in therapists. Projections continue to indicate severe shortages of mental health professionals in the workforce, particularly for children and youth.

Senator Brouk and Assembly Member Rosenthal have sponsored legislation (**S3036/A2033**) that would provide for the licensure of school psychologists. Currently, without this licensure, school psychologists are limited to working within school districts and some state agencies. However, there is a severe shortage of mental health professionals in the community and families are faced with long wait-lists, extensive travel, and unfortunately a reliance upon emergency room services at hospitals to access needed services. Licensure of school psychologists would increase the mental health workforce throughout New York State and strengthen our mental health system by increasing access to vital services needed by thousands of our children and families. **The bill passed the Senate unanimously last session and we urge both houses to take this bill up immediately and move it forward to help children.**

NYASP strongly supports A.5191 (Gonzales-Rojas)/ S.356 (Jackson), which would expand mental health professionals available to provide services within the school setting.

Additionally, there are a number of proposals within the Governor's budget that would help to address the health needs of children.

We are pleased to **support the Center for Healthcare Workforce Innovation's increased training opportunities for healthcare workers**, which will strengthen the healthcare workforce's ability to address increasing client needs. We also support debt forgiveness for those serving medically underserved areas and nurses working with specific populations, such as behavioral healthcare and people with developmental disabilities. We encourage the Governor and state to recognize healthcare workers in the schools, including school psychologists, social workers, and nurses, in any loan forgiveness programs.

We also support New York's attempt to expand Medicaid coverage to health-related social needs, such as housing, food and nutrition, and transportation. As the New York Department of Health modifies the Medicaid State Plan, NYASP encourages the state to revise the State Plan to include reimbursement for School Supportive Health Services, as well as expanding the Preschool/School Supportive Health Services Program (SSHSP) to include services provided to Medicaid-enrolled students without Individualized Education Plans (IEPs) under the 'free care' option. **NYASP strongly supports recognizing school psychologists as Qualified Medicaid Providers as proposed by A.8377 (Paulin)**, which will allow school districts to claim for services provided by these professionals and assist in sustaining funding for mental health programs. Federal CMS issued guidance in May 2023 indicating that "CMS strongly encourages States to make available the broadest array of qualified providers for Medicaid-covered physical health, mental health, and SUD services to children both inside and outside of school settings." Further, the guidance indicates that "if a school-based provider is qualified under State or local law to provide counseling to any child (or any child in the school system), the State cannot impose additional provider qualification requirements under State law as a condition for receiving Medicaid payment for counseling provided to a Medicaid beneficiary." School psychologists are qualified under NYS law to provide psychological counseling and assessment services to all

children within the schools, preschools, and Early Intervention programs. Therefore, based upon the CMS guidance, school psychologists should be recognized as qualified providers with the NYS Medicaid SPA.

NYASP also supports **extending the ability for school psychologists to render services in certain preschool and early intervention programs from June 30, 2024 to June 30, 2026 as proposed by S.8155 (Mayer)**. This will ensure the continuation of evaluations and support services provided by highly qualified school psychologists. Such services are vital in recognizing and remediating learning and behavioral issues at an early age.

NYASP strongly opposes amending education law to remove language that allows for certified school psychologists to practice as early intervention providers and render early intervention services. Given the crisis of provider shortages, particularly at the early intervention and preschool levels, it does not make sense to remove qualified providers from a shrinking workforce. With the previously mentioned recognition of school psychologists as Qualified Medicaid Providers, Early Intervention programs will be able to claim for the services of these professionals.

Other proposals that would facilitate health and mental health supports for children and families include:

- **Increase Early Intervention Reimbursement Rates** by 5%. However, in order to maintain parity with preschool and school age special education providers, NYASP requests that an increase of 11% be considered for EI services, and that these services be provided in person
- **4% Early Intervention Rate Modifier** for Rural and Underserved Areas, which should supplement the EI rate increase
- **Increased Rates** for children's mental health services provided in integrated settings

Summary

We believe that school psychologists are an invaluable resource that have the potential to make significant contributions in the advancement of the stated intention and vision of the Governor and New York State Legislature for our children and youth.

We urge the Legislature to specifically identify school psychologists in all contexts as relates to the planning and implementation of the Executive Budget for Fiscal Year 2024 and the provision of mental health services to children.

In furtherance of NYASP's stated mission of commitment to enhancing access to vital health and mental health services, we ask that the Legislature give thoughtful consideration to related legislative proposals, including:

- **A.2033 (Rosenthal)/ S.3036 (Brouk)** – providing for licensure of school psychologists; and

- **A.5191** (Gonzales-Rojas)/ **S.356** (Jackson) – requiring school mental health services in all districts; and
- **S.8155** (Mayer) - extends authorization for certified school psychologists to provide early intervention and preschool special education services; and
- **A.8377** (Paulin) - recognizes school psychologists as Qualified Medicaid Providers

We believe these proposals will enhance the availability and accessibility of mental health services to children and adolescents both in schools and in the community, while identifying additional funding streams for districts.

• • • • •

We appreciate the opportunity to provide these comments.