



## Office of the Professions

### Professional Workforce Surveys

The Office of the Professions, in collaboration with the Center for Health Workforce Studies at the University at Albany, is conducting surveys of selected professions; additional professions will be surveyed in the future. If you are renewing your registration in one of the professions listed below, please complete the survey.

This questionnaire is a supplemental part of your registration application. If you complete the survey online, you do not have to complete the paper survey. Your responses will be maintained in a strictly confidential manner by the Center for Health Workforce Studies ([www.chwsny.org](http://www.chwsny.org)) at the University at Albany, SUNY. The responses will be analyzed and presented only in aggregate form to document changes in the profession's workforce in New York.

The following links lead directly to the survey questionnaire on the CHWS site. At the conclusion of the survey you will be returned to OP's Online Renewal Welcome page so you may complete your renewal before or after completing the survey.

- [Physicians](#) 
- [Physician Assistants](#) 
- [Dentists](#) 
- [Dental Hygienists](#) 
- [Registered Nurses](#) 
- [Midwives](#) 

If you have any questions regarding these surveys, please contact the Center for Health Workforce Studies at the University at Albany School of Public Health by calling 518-402-0250 or e-mailing [chws@health.state.ny.us](mailto:chws@health.state.ny.us).

**S3543** STAVISKY Same as A 3050 Fahy

ON FILE: 02/01/21 Education Law

TITLE...Requires certain professionals to provide and the state education department to collect information about the practice of their professions; repealer

01/30/21 REFERRED TO HIGHER EDUCATION

03/02/21 1ST REPORT CAL.492

03/03/21 2ND REPORT CAL.

03/04/21 ADVANCED TO THIRD READING

03/05/21 PASSED SENATE

03/05/21 DELIVERED TO ASSEMBLY

03/05/21 referred to higher education

03/08/21 substituted for a3050

03/08/21 ordered to third reading cal.126

03/08/21 passed assembly

03/08/21 returned to senate

12/09/21 DELIVERED TO GOVERNOR

12/21/21 SIGNED CHAP.702

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STAVISKY

Add §6502-a, rpld §6902 sub 3 ¶(e), Ed L

Requires certain professionals to provide and the state education department to collect information about the practice of their professions.

EFF. DATE 12/21/2021

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# STATE OF NEW YORK

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3543

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

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Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring certain professionals to provide and the state education department to collect information about the practice of their professions; and repealing certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6502-a  
2 to read as follows:

3 § 6502-a. Renewal of professional license, certification, or registra-  
4 tion. 1. This section shall apply to healthcare professionals licensed,  
5 certified, registered or authorized pursuant to this title other than  
6 those licensed or registered pursuant to article one hundred thirty-one  
7 of this title.

8 2. In conjunction with and as a condition of each registration  
9 renewal, the professionals described in subdivision one of this section  
10 shall provide to the department, and the department shall collect, such  
11 information and documentation required by the department, in consulta-  
12 tion with the department of health, as is necessary to enable the  
13 department of health to evaluate access to needed services in this  
14 state, including, but not limited to, the location and type of setting  
15 in which the professional practices and other relevant information. The  
16 department of health, in consultation with the department, shall make  
17 such data available in aggregate, de-identified form on a publicly  
18 accessible website.

19 3. The dates by which the professionals described in subdivision one  
20 of this section must comply with the requirements of subdivision two of  
21 this section shall be determined by the department and may vary by  
22 profession, to allow the development and refinement of necessary program  
23 features and to allow sufficient advanced notice to be provided to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD06987-01-1

1 affected professionals. The provisions of this section shall be effec-  
2 tive only if and for so long as an appropriation is made for the  
3 purposes of its implementation.

4 § 2. Paragraph (e) of subdivision 3 of section 6902 of the education  
5 law is REPEALED.

6 § 3. This act shall take effect immediately.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S3543

**SPONSOR:** STAVISKY

**TITLE OF BILL:**

An act to amend the education law, in relation to requiring certain professionals to provide and the state education department to collect information about the practice of their professions; and repealing certain provisions of such law relating thereto

**PURPOSE OR GENERAL IDEA OF BILL:**

This bill would require certain professionals to provide, and the State Education Department (SED) to collect, information about the practice of their professions.

**SUMMARY OF PROVISIONS:**

Section 1: This bill would require professions certified, licensed, registered or authorized pursuant to Title 8 of education law, except those licensed or registered pursuant to article 131, to provide SED with information and documentation, as deemed necessary by SED, in consultation with the Department of Health (DOH), to enable DOH to evaluate access to needed services in this state. The provisions of this act shall be effective only if and for so long as an appropriation is made for the purposes of its implementation.

Section 2: Repeals Paragraph e of subdivision 3 of section 6902 of education law. Section 3: Provides the effective date.

**JUSTIFICATION:**

A research brief from October 2018 by the Center for Healthcare Workforce Studies (CHWS) found that the lack of data on New York's healthcare workforce has limited the effectiveness of workforce development strategies and has resulted in major geographic healthcare disparities. The intent of this legislation is to provide a more accurate gauge of healthcare workforce demands in New York State.

A research brief from October 2018 by the Center for Healthcare Workforce Studies (CHWS) found that for registered patient care nurse practitioners (NP) the concentration of NPs varies widely across New York's regions. The Finger Lakes region leads the State with 86.9 NPs per 100,000 people; while Hudson Valley trails behind with only 45.3 NPs per 100,000 people. In the same study CHWS found that 44.7% of NPs work in outpatient services while followed by the next largest demographic working in inpatient services accounting for only 16.1%. These findings were replicated across medical specialties, demonstrating a clear need for a deeper understanding of the healthcare workforce so that New York may meet the state's healthcare needs.

It is imperative that the state provides excellent workforce development data to fully equip the healthcare industry with accurate results so that appropriate action can be taken to bridge gaps in need for healthcare professionals. This bill avoids creating a large administrative burden by requiring healthcare practitioners answer a short survey about how they use their license triennially in conjunction with their license renewal.

**PRIOR LEGISLATIVE HISTORY:**

Introduced in a previous session.

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately; provided, however, that amendments to paragraph of subdivision 3 of section 6902 of the education law made by section two of this act shall not affect the expiration or repeal of such subdivision and shall expire or be deemed repealed therewith.



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## Healthcare Professional Data Collection

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### *THE ISSUE:*

An October 2018 research brief by the Center for Healthcare Workforce Studies (CHWS) found that lack of data on New York's health workforce has limited the state's ability to assess the effectiveness of workforce development strategies designed to reduce major geographic health disparities.

The COVID-19 pandemic has demonstrated that there is an urgent need for basic health workforce data to better describe workforce supply/demand gaps that limit access to needed health services. It is imperative that the state provides consistent and reliable workforce data to inform appropriate action that can bridge gaps in the need for health workers and services. The Department seeks legislation, and additional staff and resources, if needed, to gather this information by requiring licensed health professionals who are renewing their license registrations to answer a short survey about how they use their license.

### *THE SOLUTION:*

The Department supports legislation that would enhance its ability to collect critical information about the health workforce by:

- Requiring that, in conjunction with re-registration, licensed health professionals provide the Department, working in collaboration with the New York State Department of Health (DOH), census information regarding their professional services and activities. This data would be used to evaluate supply/demand gaps that must be addressed in order to make available needed services in NYS. In addition, de-identified and aggregated data drawn from these surveys would be made available publicly to support local health workforce planning efforts.
- Collaborating with the DOH and CHWS to work with licensing boards to develop profession-specific re-registration surveys. CHWS would be responsible for programming the survey using the designated software package, fielding calls from licensees who encounter difficulty completing the survey, downloading and cleaning data drawn from survey responses, analyzing cleaned survey data and producing reports of findings, and creating public access to de-identified data, thus limiting the fiscal and workload impact on the Department.

For more information contact the  
Office of Governmental Relations, New York Education Department, (518) 486-5644



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** State Aid Subcommittee

**FROM:** Phyllis Morris and Jennifer Trowbridge  
*Phyllis D. Morris Jennifer F. Trowbridge*

**SUBJECT:** 2022-2023 Non-State Aid Budget and Legislative Priorities

**DATE:** December 9, 2021

**AUTHORIZATION(S):** *[Signature]*

### **SUMMARY**

#### **Issues for Discussion**

The Board of Regents advance Non-State Aid budget and legislative requests every year, which reflect initiatives that support the Board's priorities by augmenting or adding funds to the State Education Department's budget. These funds are necessary to meet the Board's policy priorities.

At the October meeting, the relevant committees of the Board reviewed and discussed the prior Non-State Aid proposals. The relevant committees discussed the prior/modified and new Non-State Aid proposals at the November meeting. At the December meeting, the Board will approve the proposals to be advanced during the 2022-2023 budget cycle and 2022 legislative session.

#### **Reason(s) for Consideration**

Board of Regents approval of the 2022-2023 Non-State Aid Budget and Legislative Priorities.

#### **Recommendation**

It is recommended that the Board of Regents vote to approve 2022-2023 Non-State Aid Budget and Legislative Priorities as follows:

SA (A) 2  
BR (A) 4



**Prior Non-State Aid Budget Priorities – Professional Practice**

Proposal Description	Policy Area	Amount of Request
<p><b>Development of an Electronic Licensing and Document Management System to Improve Customer Service</b> – Spending authority to use funds resulting from a 15% registration fee increase authorized by the Legislature in 2009 for the third year of a project to replace a nearly 40-year-old COBOL-based licensing system and enhance the customer experience.</p> <p><b>Fund Critical Staffing Needs</b> - Increase the appropriation level for the Office of the Professions by \$7.125 million and permit OP to retain and spend the full amount of the increased appropriation level to fund 58 critical staff positions. With the \$4.355 million in increased revenue, OP would be able to fill 33 staff and with the discontinuation of the \$2.8 million sweep, OP would be able to fill 25 positions.</p>	Customer Service	<p>\$7.79M in capital spending authority for 2022-2023 for OP Modernization</p> <p>\$7.125M in increased OP appropriation authority</p>

**Prior Legislative Priorities – Professional Practice**

Proposal Description	Policy Area
<p><b>Enhanced Discipline Authority of the Licensed Professions</b> – Enhance the Department’s discipline authority over all licensed professions it oversees by:</p> <ul style="list-style-type: none"> <li>• Authorizing the Commissioner or her/his designee, after an investigation and a recommendation by the professional conduct officer, to order a temporary suspension of practice privileges of a licensee or registered entity in extreme cases where there is an imminent danger to the health and/or safety of the public.</li> <li>• Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure.</li> <li>• Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner.</li> </ul>	Public Protection



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## Enhancing Communication with Multilingual Parents, Students and Professionals

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### **ISSUE:**

The Department currently lacks funding to translate documents into languages other than English. This limits the awareness of parents and students who do not speak English as their primary language to available educational programs and services.

### **BACKGROUND:**

- In every program area across the Department – Cultural Education, Vocational Rehabilitation, P-12, Professions and Higher Education – many informational materials, such as fact sheets and booklets, are currently only available in English.
- The Department has been developing and releasing many documents to school districts and providers with information related to the COVID-19 pandemic.
- Translation of Department informational and guidance documents into multiple languages would support the Department’s goal of making culturally responsive-sustaining and linguistically accessible resources available to the public, English Language Learners/Multilingual Learners (ELLs/MLLs) and their families.
- Funding is needed to support the translation of documents into languages other than English.

### ***2022-2023 Budget Request:***

***\$1.6 million in new state funding to translate documents into languages other than English to enhance communications with multilingual parents, students, and professionals.***

***Want to learn more? Select this link for additional details:***

<https://bit.ly/33dLrDo>



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## Development of an Electronic Licensing and Document Management System & Other Measures to Improve Customer Service

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### ***ISSUE:***

The Department's Office of the Professions (OP) requires access to the fees it collects from its licensees to complete a new electronic licensing and document management system. Additionally, OP needs added staff to address growing responsibilities and improve customer service, and license and discipline cycle times while progress to update systems and services continues.

### ***BACKGROUND:***

- Chapter 396 of the Laws of 2009 authorized the increase of professional registration fees by 15% to create a special revenue fund to enable OP to continue to successfully manage its responsibilities and improve customer service. Many professional associations supported this fee increase.
- Improvements were to include a new electronic licensing and document management system for more than 50 professions, limited permits, registration and oversight of pharmacies, professional business entities, statutorily authorized corporate practice waivers, and providers of professional continuing education.
- OP also handles the investigation of complaints of professional misconduct and illegal practice of licensees, unlicensed individuals, and professional entities as well as the oversight of the discipline process, which includes due process hearings, when OP acts on substantiated allegations.

### ***2022-2023 Budget Request:***

- **OP Modernization:** Authorize the Department, within Capital Appropriations, to utilize \$7.79 million of existing revenue in 2022-2023 to continue building the new electronic licensing and document management system along with enhancing customer service tools.
- **Fund Critical Staffing Needs:** Increase the appropriation level for OP by \$7.125 million and permit OP to retain and spend the full amount of the increased appropriation level to fund 58 critical staff positions. With the \$4.355 million in increased revenue, OP would be able to fill 33 positions and with the discontinuation of the \$2.8 million sweep, OP would be able to fill 25 positions.

***Want to learn more? Select this link for additional details:***

<https://bit.ly/3DE8nba>



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## Enhanced Discipline Authority of the Licensed Professions

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### **ISSUE:**

The Department seeks to expand protection of the public from nurse licensees injurious to patients through disciplinary powers comparable to those provided to the Commissioner of Health to oversee the conduct of physicians, physician assistants, and specialist assistants, including the authority to issue summary suspensions.

### **BACKGROUND:**

A 2016 article and a subsequent NYS Comptroller's audit raised concerns regarding the discipline of nurses who pose a public health and safety risk to people in New York, highlighting the real-life consequences of the limitations in current law when it comes to the Department's ability to take swift disciplinary action against licensed professions when there is a public health or safety risk.

### **PROPOSAL:**

The Department seeks enactment of legislation that would enhance the Department's disciplinary authority over **all licensed professions** it oversees by:

- Authorizing the Commissioner or her/his designee, after an investigation and a recommendation by the professional conduct officer, to order a temporary suspension of practice privileges of a licensee or registered entity in extreme cases where there is an imminent danger to the health and/or safety of the public.
- Requiring all licensed professionals to report to the Department any moral character issue(s) upon application for licensure.
- Requiring, at a minimum, that all licensed professionals report to the Department any record of a conviction of a crime in a timely manner. Current law does not require a criminal history background check prior to initial licensure and only requires that licensed professionals report the conviction of a crime upon re-registration every three years (physicians, physician assistants and specialist assistants re-register every two years).

*Want to learn more? Select this link for additional details:*

<https://bit.ly/3EBo702>

**S6575** SAVINO Same as [A 6323](#) Bronson

ON FILE: 05/07/21 Social Services Law

TITLE....Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program

05/06/21 REFERRED TO HEALTH

05/19/21 1ST REPORT CAL.1229

05/20/21 2ND REPORT CAL.

05/24/21 ADVANCED TO THIRD READING

06/02/21 PASSED SENATE

06/02/21 DELIVERED TO ASSEMBLY

06/02/21 referred to ways and means

06/03/21 substituted for a6323

06/03/21 ordered to third reading rules cal.345

06/09/21 passed assembly

06/09/21 returned to senate

12/17/21 DELIVERED TO GOVERNOR

12/29/21 SIGNED CHAP.819

12/29/21 APPROVAL MEMO.160

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SAVINO, MAY

Amd §365-a, Soc Serv L

Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program.

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APPROVAL MEMORANDUM - No. 160 Chapter 819

MEMORANDUM filed with Senate Bill Number 6575, entitled:

"AN ACT to amend the social services law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program"

APPROVED

This bill authorizes direct Medicaid reimbursement for care and services provided by licensed Mental Health Practitioners such as mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts for all Medicaid recipients and regardless of the location the service was provided.

I support our behavioral health providers and the essential services they provide. While the intent of this bill is to expand and increase access to providers, Medicaid benefit expansions must be carefully considered. Furthermore, this bill inadequately describes the specific services to be covered and would also result in significant unbudgeted annual costs under the Medicaid Global Cap.

Accordingly, I have reached an agreement with the Legislature to ensure that this bill is applicable to licensed mental health counselors and marriage and family therapists to expand access to services for New Yorkers in the most effective way possible.

Based on this agreement, I am pleased to sign this bill.

This bill is approved.

(signed) KATHY HOCHUL

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**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S6575

**SPONSOR:** SAVINO

**TITLE OF BILL:**

An act to amend the social services law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program

**PURPOSE OR GENERAL IDEA OF BILL:**

The purpose of this bill is to enable mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services.

**SUMMARY OF SPECIFIC PROVISIONS:**

Amends Subdivision 2 of section 365-a of the social services law to enable mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services within their scope of practice.

**JUSTIFICATION:**

This bill would allow licensed mental health practitioners to bill Medicaid directly for the services they provide. The status quo of excluding mental health practitioners licensed under Article 163 of the Education law from recognized providers within the Medicaid program results in undue hardship for individuals, families, and communities, and a lack of transparency in Medicaid billing.

According to the National Institute of Mental Health, approximately one in four American adults suffers from a mental illness, making the work performed by all mental health professionals, including licensed mental health practitioners, crucial to the provision of healthcare. Individuals in need of mental health care should be able to receive treatment from appropriately licensed providers, and providers should be able to bill Medicaid directly for their covered services.

**PRIOR LEGISLATIVE HISTORY:**

2019 - S3421 - passed both houses, vetoed by the Governor (VM 145 of 2019)

2018 - S.3981 - referred to Health, no further action

2017 - S.3981 passed-Senate (62-0) 2016 -S.7067 passed-Senate (61-0)

**FISCAL IMPLICATIONS:**

To be determined.

**EFFECTIVE DATE:**

the ninety-first day after it shall have become a law.



**A6323** Bronson Same as S 6575 SAVINO

Social Services Law

TITLE....Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program

03/12/21 referred to health

05/20/21 reported referred to ways and means

05/26/21 reported referred to rules

06/02/21 reported

06/02/21 rules report cal.345

06/02/21 ordered to third reading rules cal.345

06/03/21 substituted by s6575

**S06575 SAVINO**

05/06/21 REFERRED TO HEALTH

05/19/21 1ST REPORT CAL.1229

05/20/21 2ND REPORT CAL.

05/24/21 ADVANCED TO THIRD READING

06/02/21 PASSED SENATE

06/02/21 DELIVERED TO ASSEMBLY

06/02/21 referred to ways and means

06/03/21 substituted for a6323

06/03/21 ordered to third reading rules cal.345

06/09/21 passed assembly

06/09/21 returned to senate

12/17/21 DELIVERED TO GOVERNOR

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BRONSON, MEEKS, BARRON, GONZALEZ-ROJAS, BICHOTTE HERMELYN, MCDONALD

Amd §365-a, Soc Serv L

Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program.

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# STATE OF NEW YORK

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6323

2021-2022 Regular Sessions

## IN ASSEMBLY

March 12, 2021

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Introduced by M. of A. BRONSON -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 2 of section 365-a of the social services law
- 2 is amended by adding a new paragraph (gg) to read as follows:
- 3 (gg) care and services provided by mental health practitioners
- 4 licensed pursuant to article one hundred sixty-three of the education
- 5 law acting within their scope of practice, where such services would
- 6 otherwise be covered under this title. Nothing in this paragraph shall
- 7 be construed to modify or expand the scope of practice of a mental
- 8 health counselor, marriage and family therapist, creative arts therapist
- 9 or psychoanalyst licensed pursuant to article one hundred sixty-three of
- 10 the education law.
- 11 § 2. This act shall take effect on the ninetieth day after it shall
- 12 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05167-01-1

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A6323

**SPONSOR:** Bronson

**TITLE OF BILL:**

An act to amend the social services law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program

**PURPOSE OR GENERAL IDEA OF BILL:**

The purpose of this bill is to enable mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section one would amend Subdivision 2 of section 365-a of the social services law to enable mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services.

Section two is the effective date.

**JUSTIFICATION:**

This bill would allow licensed mental health practitioners to bill Medicaid directly for the services they provide. The status quo of excluding mental health practitioners licensed under Article 163 of the Education law from recognized providers within the Medicaid program results in undue hardship for individuals, families, and communities, and a lack of transparency in Medicaid billing. According to the National Institute of Mental Health, approximately one in four American adults suffers from a mental illness, making the work performed by all mental health professionals, including licensed mental health practitioners, crucial to the provision of healthcare. Individuals should be able to receive treatment.

**PRIOR LEGISLATIVE HISTORY:**

2013-2014: A9678 - Referred to Health;  
2015-2016: A9477-A -Referred to Health; A10707 of  
2017-18: passed the Assembly A648 of  
2019-20: Veto 145

**FISCAL IMPLICATIONS:**

To be determined.

**EFFECTIVE DATE:**

This act shall take effect on the ninety-first day after it shall have become a law.