



## Mental Health Association in New York State, Inc.

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Testimony of

Glenn Liebman, CEO

Mental Health Association in New York State, Inc. (MHANYS)

**2022 Joint Legislative Executive Budget Hearing - Mental Hygiene**

**February 14<sup>th</sup>, 2022**

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### **HEALTHY MINDS FOR A HEALTHY NEW YORK**

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Thank you to the Chairs of the Senate Finance Committee and Assembly Ways and Means Committee as well as our Senate and Assembly Mental Health Chairs and other Legislative Leaders for the opportunity to present today regarding the 2022-23 proposed New York State Executive Budget.

My name is Glenn Liebman and I am the CEO of the Mental Health Association in New York State (MHANYS). We are a not-for-profit mental health organization with 25 affiliates in 52 counties throughout New York State. Many of our members provide community based mental health services, but all our members are engaged in advocacy, education and public awareness about mental health.

This is my 19th year of testimony to the committee as MHANYS CEO and to my knowledge, this is the best proposed Budget I have seen regarding mental health. Funding is in place for our top priorities, including a 5.4% COLA, mental health resources in schools, additional funding for housing, workforce retention bonuses, funding for the Dwyer Project for Veterans Mental Health, comprehensive crisis services, and for the reinvestment of underfunded behavioral health services from Medicaid Managed Care.

But as much as we thank Governor Hochul and all of you for your steadfast support in what we do---there are still unmet needs. Fourteen years ago, the Legislature and Executive created a statutory COLA for human services agencies like my affiliates. However, every year outside of the first year and last year, it was erased from law by inclusion of a Budget “notwithstanding” clause. These actions have resulted in a shortfall of over \$500 million in essential COLA funding.

Can you imagine if the Human Service sector had that funding over that time how many less deaths of despair from suicide completion and overdose would have occurred? Can you imagine how much less poverty, criminalization and homelessness there would be in our communities? We will never know the answers, but now is the time to make up for these lost opportunities.

MHANYS and our 11 Statewide behavioral health partners are calling on an increase of \$500 million to the State’s budget for mental health and addiction services. This funding should be spent on expansion of workforce funding, housing, children’s mental health services, addiction needs, county and schools mental health integration, BIPOC mental health needs, suicide prevention, peer and family engagement and public awareness for behavioral health. We are committed to working with all of you so we can begin to rebuild the mental health system so that it is more responsive to the needs of individuals.

#### **Human Service Cost of Living Adjustment (COLA) Increase of 5.4% :**

Thanks to the leadership of the Legislature last year, we received the first Human Services COLA in thirteen years. Now this year, under the leadership of Governor Hochul we have a 5.4% COLA increase in place. This is more increased funding for a full-scale COLA than what has been received in the last fourteen years combined.

A COLA based on the CPI has been MHANYS major budget ask for the last decade. While we have received partial funding over the years, this year is the breakthrough that will dramatically enhance our provider community and their workforce. It is an acknowledgement of our community providers and we are very supportive.

Our sector should not have to face this pendulum swing every year as to whether we get a COLA or not. What we need is a permanent COLA in place based on the Consumer Price Index (CPI). We urge your support for a fully permanent COLA statute based on the CPI that is inclusive of the entire Human Services Sector.

As much as many mental health needs were addressed in the COLA, there are two specific area left out of the budget including Home Health Care Managers and New York State Supportive Housing Programs. We urge their inclusion as part of permanent legislation.

**Recommendations:**

- Amend the Governor's proposed 5.4% COLA language to include Health Home Care Management in the Part DD Amendment
- Amend the Governor's proposed 5.4% COLA language to include New York State Supportive Housing Programs
- Remove sunset revisions in the Part DD amendment to help insure that COLA's will be included in all future budgets.

**Workforce Issues:**

All of the not-for-profit sector is being impacted by workforce issues. The COLA will greatly support and help providers and the Recruitment and Retention Bonuses are essential. A \$3000 one-time bonus payment will be a significant recognition of the workforce. Criteria includes provisions of making under \$100,000 a year and providing 'hands on care'. We thank Governor Hochul for this proposal but we can all agree that we continue to need more to help our valued workforce.

We are also very supportive of Senator Mannion's bill that would provide a tax credit of up to \$5000 for direct care staff in OPWDD, OMH and OASAS. Between the COLA, the Retention bonus and the tax credit, our community workforce would begin to see the changes that reflect the importance and quality of their work in helping those in great need.

There are other incentives that should be utilized for the workforce including tuition reimbursements, loan forgiveness and career ladders.

In addition, the Scope of Practice for Certain Exemptions is set to expire in June 2022. Without modernization of the scope of practice for licensed child welfare counselors, licensed marriage and family therapist and licensed psychoanalysts, our sector will face an additional workforce crisis.

**Recommendations:**

- Support an increase of the Retention Bonus beyond the \$3000
- Support Mannion S.7643—Tax Credit Bill for Workforce
- Support S.5301 Brouk and A. 6008 B-Bronson that will provide modernization of the scope of practice and standardization of certain licensed maters clinicians.
- Invest in all adult and childrens licensed and unlicensed behavioral health programs
- Implement rate adjustments that will begin to address the significant discrepancy between cost of care and reimbursement
- Provide tuition reimbursements, loan forgiveness, paid internships and career ladders for the behavioral health workforce

**Comprehensive Crisis Services:**

Governor Hochul has responded to the needs of our crisis services by dedicating funding to Crisis Stabilization Centers, Mobil Crisis Teams and a 988 call in center which will be implemented as of July of this year.

An easier way to think of Crisis Stabilization Centers is as Urgent Care Centers for those people with mental health or addiction needs. You break your finger, you go to urgent care, get x-rays, get it bandaged up, get medication and you are back in the community. Wouldn't it make complete sense to do something similar for mental health or an addiction crisis. You are going through an anxiety attack, a bout of depression or even something more traumatic like suicidal ideation or overdose. You go to the Urgent Care Center, meet with a psychiatrist, counselor, nurse, peer, CASAC and get an immediate response and put a plan of care in place. There is no need to engage with law enforcement or end up in an emergency room unless it becomes critical.

The Governor has proposed adding \$100 million to the Budget for the next five years to help pay for Crisis Stabilization Centers. We urge legislative support.

Regarding implementation of 988, the Governor has proposed adding \$35 million to the budget for Year 1, followed by \$60 million in Year 2. This money would be utilized to develop the infrastructure for the Calls-In, to develop a digital platform, to train 988 staff, to link to Crisis Stabilization Centers or to other Crisis Services as necessary.

Crisis Services have left too many of our loved ones in the hands of emergency rooms or the criminal justice system. The hope is that developing these linkages could help mitigate that need.

That said, we remain concerned that there is not a fully implemented funding stream for 988. While two years is an important start, we need this to be fully funded for the future. That is why we recommend what is being implemented in the state of Washington---a monthly tax on mobile phone service. The tax would be less than fifty cents a month. Is there anyone that would not support a fully funded crisis service for less than 8 dollars a year?

Recommendations:

- Support the funding for Crisis Stabilization Centers and 988
- Urge a fully funded 988 systems through an excise tax on phone use. The State of Washington has already approved this tax and it is estimated to come out to about forty cents per phone per month.

### **Mental Health in Schools:**

School Mental Health has long been a top priority to MHANYS and our members. We were very pleased that the Governor has been such a huge supporter of mental health in schools even bringing it up in the first five minutes of the State of the State.

The OMH budget is responding through various funding streams including:

- \$10 million in school based mental health clinics and services
- \$10 million in trauma informed care for kids
- \$10 million for identifying schools with additional mental health needs

This is incredibly important but it is more than about hiring additional clinicians in schools. COVID has impacted every part of our school landscape. The burgeoning mental health crisis in schools pre-COVID has only been amplified by the pandemic. As Legislators on the front lines, you are all too familiar with your constituent concerns about the anxiety, isolation and depression of their loved ones. We are also gravely concerned about the teachers. They are the front lines and they have been forced to become mental health clinicians, on top of all their other responsibilities. We need to provide self-care for the caregivers while providing the necessary understanding of mental health in schools

How can we best respond to that need? One of the answers is by funding an additional \$500,000 in the School Mental Health Resource and Training Center. This Center is the only one of its kind in the country that is uniquely constructed to respond to school mental health needs through technical assistance, trainings and innovative programming and curriculum development.

This additional \$500,000 would be provide to ensure that teachers have a trauma-informed understanding of mental health, but also to provide them with the tools necessary for their own self-help needs through self-paced trainings compiled by mental health experts.

**Recommendations:**

- Support the Funding in the State Budget for the Office of Mental Health to continue to work with the State Education Department and other partners about developing more services and clinicians in schools including school based mental health clinics
- Support an additional \$500,000 in the budget for the School Mental Health Resource and Training Center to help provide resources for the mental health needs of teachers both as a tool for helping theme with students but also to provide self-care for their own needs.
- OMH and SED to work together to ensure that they continue to develop a strong partnership around mental health in schools

**Housing:**

The Governor has proposed a broad expansion of housing services in mental health that has long been supported by advocates including MHANYS and our colleagues in the Bring It Home Campaign led by ACL.

- \$65 Million in Residential Investments growing to 104 million.

This funding will help to provide rental increases to housing providers to ensure that they have competitive rents for their clients to live in quality housing programs. We are also supportive of the inclusion of unlicensed housing property pass through similar to the pass through for licensed programs.

**Recommendations:**

- We urge continued support for this funding
- We remain concerned about residents of adult homes who transition to the community and ensure that this remains a priority population for both the Office of Mental Health and the Department of Health

**Equity and Inclusion:**

Our system of care has to be much more reflective of the community at large. There needs to be much more diversity in our population and a continued recognition of the needs of a population that has different cultural expectations and influences.

**Recommendations:**

- Scholarships for BIPOC clinicians and other mental health care workforce
- Loan forgiveness and tuition reimbursements for BIPOC individuals interested in career paths in behavioral health
- Public Awareness Campaign specifically geared to the BIPOC community around engagement with mental health services and professionals
- Mandatory Bias Training in the Workplace

**Veterans Issues:**

MHANYS is very proud to be part of the Joseph Dwyer Veterans Peer to Peer Program. Several of our members run Dwyer programs in their communities. It is now going on a decade of great success in the program—the ability to meld the peer component of the Project for Veterans helps to reduce stigma in the military community and has helped support the needs of veterans. They are among the heroes in our society and they should be provided with every opportunity to thrive in the community.

We applaud Governor Hochul for moving the Dwyer program to the Executive Budget. Throughout its existence, we have always relied on the Legislature to provide funding for Dwyer. Now that it is in the Executive Budget for \$8 million, we hope that you can continue to do what you have done in the past and strongly support additional funding.

We also welcome the Governor recognizing the tragic consequences of suicide completion for many veterans. The OMH program dedicated to combatting suicide among this community is a significant step forward.

**Recommendation:**

- We urge the Legislature to support additional funding in this year's budget for the Dwyer program

**Workplace Wellness – Greater Public Awareness about Mental Health:**

COVID has taught us that no one is immune from a mental health issue. The anxiety, isolation and depression associated with COVID has long been documented. We have seen many of our national figures like Michael Phelps, Naomi Osaka, Simone Biles and many others opening up

and talking about their own mental health struggles and that has brought public awareness into an area in desperate need of recognition.

These same issues have filtered into the workforce. We are not referring specifically to the mental health workforce but the entire community workforce.

The reality is that despite the mental health pandemic, there still has not been enough resources and information provided to our workforce. In response to that need, MHANYS has worked with Senator Brouk and Assemblymember Gunther to introduce Workforce Wellness legislation that is twofold.

- 1) Employers across the State will have to place posters in the workplace that hat provide various essential mental health resources and numbers that someone can call in a mental health crisis including the newly formed 988 hotline as well as signs and symptoms of mental health issues. Much like the OSHA posters that agencies are mandated to post, the same will be true of mental health. These posters will be developed by the Department of Labor and the New York State Office of Mental Health and will be provided by the State inclusive of the six most common non-English languages spoken by New Yorkers.
- 2) OMH and the Department of Labor will work together to develop voluntary guidelines that would be shared on their websites that employer and employees can access when they have questions and concerns about mental health. This is similar to legislation that already exists in California.

Recommendation:

- Support S.7577 (Brouk)/A.8675 (Gunther).

### **Kendra's Law and Individuals at Risk:**

There has been a lot written and said about Kendra's Law in recent weeks, especially after the tragic death of Michelle Go after she was pushed onto the subway tracks.

As the first director of Kendra's Law, I learned a lot during implementation. One lesson I learned was that it was less about a court order and more about engagement and accountability. That is still true today.

Kendra's Law is not a magic solution to the concerns we have about that incredibly small percentage of people with mental health issues that are violent. The answer is something we have known for years but have not had the funding to fully implement. It is about community support and services.



More psychiatric beds and increased Kendra's Law provisions are not panaceas. This year's Budget, which has more funding for mental health community services than any Budget has in years, will hopefully begin to provide the resources that will keep people thriving in the community.

Recommendation:

- Fund the \$500 million in community programs supported by MHANYS and 10 other statewide behavioral health organizations that will insure a more robust system of care that will provide more assurances and accountability for individuals that are in greatest need.

### **Maternal Mental Health:**

One in five women are directly impacted by Mental health issues during pregnancy and childbirth. Issues of mental health must be addressed across a lifespan starting during pregnancy.

We strongly support Senator Brouk and Assemblymembers Solages, Gonzalez-Rojas and Clark in introducing three bills that would provide much needed support for maternal mental health.

These bills address enhanced depression screenings during prenatal, postnatal and pediatric visits; addressing inadequacies around existing depression screening tools and establishment of a workgroup to address underdiagnoses in vulnerable populations.

Recommendation:

- Enact S.7865, S.7752 and S.7753 to support maternal mental health needs during pregnancy and childbirth

### **Reinvestment Funding from Underspending of Behavioral Health Services in Medicaid Managed Care:**

We thank Governor Hochul for her leadership in supporting the recoupment of the underspending of Medicaid managed care in behavioral health services.

It is estimated that this recoupment will result in \$111 million for OMH and OASAS to fund rate increases for community mental health and addiction services.

Recommendation:

- We urge the Legislature to support this initiative

### **Reinvestment of Hospital Bed Closures:**

While there are no planned State Psychiatric Center beds to be closed in this year's Budget, we are appreciative that the State has kept its commitment to funding of \$22 million dollars for past bed closures.

**Recommendation:**

- Ensure that the \$22 million in reinvestment is being spent through the local planning process inclusive of county government and providers, peers and family members

**Prescriber Prevails:**

Every year no matter how much advocates fight to maintain the Legislative restoration of prescriber prevails, it inevitably continues to be taken out of the Budget, and left for the Legislature to take care of in their negotiation.

This provision greatly impacts people with mental health needs. Many individuals on Medicaid are driven by their plan's formulary as to what medication they take for their mental health issues. Proper medical care should not be driven by a formulary but by the prescriber and the individual.

As you have done every year, we urge you to add Prescriber Prevails protections back in the budget.

**Recommendation:**

- Urge the Legislature to add Prescriber Prevails back into the State Budget

**Trauma Informed Task Force for Frontline Workers:**

Under the leadership of Assemblymember Gunther, legislation was passed creating a Task Force to look at the long-term impact of trauma related to COVID for frontline workers.

The Task Force has met over the past twelve months, and we have shared our perspectives on how to best inform, educate and provide support for those directly impacted by the trauma of the pandemic. Task Force members include agencies and individuals that represent mental health, developmental disabilities, children's services, hospitals, unions, addiction disorders and much more.

We look forward to the release of the report that is imminent.

**Recommendation:**

- After release of the report, we will work with the Legislature and Executive to highlight the priority areas recommended by the report and advocate for funding to help the 'true heroes' of the pandemic receive the long-term trauma informed support that they need.