

End of Session/Lobbyist Report

June 19, 2009

The 2009 Legislative session was, without a doubt, the busiest and most successful, in the history of NPA. Whether lending our support to keeping rural mental health clinics open to the long term storage of patient records to shaping landmark autism legislation, NPA was deeply, continually involved.

It started back in February when then-president Laurie Drucker was the only association president, in fact, the only professional, to weigh in during the mental health subcommittee hearing on the Division's budget. We had worked with the subcommittee chair beforehand to ensure an opportunity for NPA's on-the-record comments and lengthier for-the-record testimony. Laurie's comments well-received, and set the stage for the rest of the session's success.

SB 17 looked to change record keeping guidelines. The original version of Senate Bill 17 lengthened the time health care providers maintain records from 5 to 7 years and required psychologists to notify patients not less than 30 days prior to destroying those records. Legislative chair Michelle Carro was one of the leaders in working with the bill's sponsor, Senator Valarie Wiener, to address various concerns. For us, the bill raised financial hurdles—everything from postage to personnel time. The bigger issues, though, were ethical and confidentiality concerns: sending off letters to the last known address, notifying people their records will be destroyed, had a big potential problem – who might actually get that letter? You don't know that you are actually sending the letter to the correct person any more.

The bill was amended *four* different times. But the version that ultimately passed provides that certain Boards, like psychology, simply post a statement on their websites that health care records of patients who are less than 23 years of age may not be destroyed and that health care records of other patients may be destroyed after 5 years. Further, a health care provider has to post a sign in their office telling patients their health care records may be destroyed after a certain amount of time. No letters, no confidentiality concerns.

A trio of bills involving licensure and scope of practice issues were part of our work this session. Only one of them, AB102, passed. Assembly Bill 102 authorizes a court to establish a program for the treatment of problem gambling. Unfortunately, in its original form, it focused on only certified clinical counselors and interns as providers. We were able to have psychologists and psychological assistants included in the bill. We were active in the two bills that did not pass, AB 515 and SB 364. We had commitments along the way that psychology's issues would be addressed if the bills got too far along in the process, or that other language would be amended in. But it was not to be, both bills were scuttled along the way.

At one point during the session, I asked Charles Duarte and Mike Willden, both very accommodating gentlemen, that it appeared psychologists had been excluded from a couple of bills, AB 102 being just one example. Was it an oversight, I asked, or intentional? Willden said Duarte was the better person to answer the question, but he thought it was absolutely unintentional. Charles Duarte left me a voicemail confirming Mike Willden's supposition. One suggestion for the interim: NPA would do well to work with both offices as we continue to become more involved at the state level.

NPA was instrumental in AB 162, a landmark bill providing for autism treatment coverage in Nevada. Landmark for psychologists, too, because of a number of technical changes added to the bill we worked to insert. In concert with the bill's sponsors, we were able to ensure psychologists' authority and scope of practice were given equal footing alongside physicians as the doctorally trained professionals who should be overseeing treatment planning. Assembly Bill 162 also provides for the appropriate licensure and board certification of behavior analysts, a group of professionals who, before passage of the bill, had neither in this state. And, since we were asked, we thought it would be best if the psychology board be tasked with writing regulations for, and licensing of, these individuals.

AB 260 called for annual training for mandated reporters of elder abuse, including psychologists. It was another of those bills calling for training perceived by many of our members as the beginning of a slippery slope, expecting psychologists to train for every little thing, no matter how well intentioned. The bill died.

SB 297 died as well, but only after we worked to ensure it would not negatively impact psychology. I worked with the bill's sponsor, while Michelle worked with the primary supporter of the bill in Las Vegas. Senate Bill 297 had to do with credentialing mental health specialists from other states. Allowing retired practitioners to come in to Nevada to practice in free clinics, taking down barriers to practice, that sort of thing. We were going to be included in the bill until Michelle explained, in great detail, why we should be exempt. Though we were successful in amending psychology out, the bill never made it out of Senate Commerce and Labor.

I've just gone through the more than 200 emails Michelle and I exchanged during the session, and that doesn't count the dozens sent and responded to on my BlackBerry. The point is, there are other bills I could dissect here, there's also a lot of politics that came in to play this session. Maybe that's for future reports, or a different venue. But what needs to be said here is how well NPA operated as an organization representing psychology in Nevada in the 2009 session. My hat is off to those who took part in the legislative committee, who testified and who were active in lending a psychologist's expertise to our legislative agenda. Michelle was amazing. At one point, I sent an email telling Michelle that, by my count, our involvement had increased eightfold this session over last—and an additional 150 bills were going to be introduced the following day!

And despite the ever-increasing legislative workload, NPA was prepared. The number of bills requiring our involvement kept multiplying, we were in a number of committees, we were providing language and amendments, and we were heard. Our pre-session planning and organization had us positioned to hit the ground running, otherwise we would have stumbled coming out of the gate and would not have enjoyed the success we did.

And now it all changes. Seventeen lawmakers are termed out, 7 senators and 10 assembly members cast their final votes this session. So we must continue our education process. Time will soon come to crank up the PAC machine, meetings and checks. The problem with success? It breeds expectations of even greater success next time.

Oh, and those rural mental health clinics? Nine of the 11 that Governor Gibbons proposed to shutter were added back to the governor's budget with money from the Legislature. It was ultimately vetoed by the governor. Then overridden by both houses of the Legislature.

Bryan Gresh, NPA Lobbyist