

## **April 2023 NYSSLHA Communicator Article**

### **Prepared by Reid, McNally, & Savage**

#### **NYSSLHA Lobby Day and State Budget Update**

As this issue of the Communicator goes to print, Governor Kathy Hochul and State legislators are negotiating to reach a Final Budget agreement, having missed the April 1, 2023 deadline.

On Friday, February 10, NYSSLHA held a virtual Lobby Day organized by Reid, McNally & Savage on State Budget issues and a key legislative priority. Those in attendance included NYSSLHA President Tina Caswell, Past President and GA Chair, Amy Bergen, and members of the GA Committee: Sal Gruttadauria, and Laurie Hanin. Meetings were held with top finance and program staff for the Senate Majority Leader and Assembly Speaker, and the offices of the Senate and Assembly Chairs of Education, Higher Education, and Health Committees.

These meetings were timed in early February in order to influence the development of the Senate and Assembly's One House Budget proposals, which represent each legislative body's response to the Governor's proposed Executive Budget. The One House Budgets were issued on March 14, 2023.

NYSSLHA's budget and legislative priorities discussed during the lobby day were as follows.

#### ***Support Adding an 11% Rate Increase for Early Intervention Reimbursement***

An 11% rate increase will assist EI providers in meeting the growing costs of business due to administrative burdens imposed by the Department of Health (DOH), help to mitigate numerous cuts to program over the last 10-15 years, increase provider participation in the program, and ensure that infants and toddlers have timely and adequate access to services.

As noted in prior communications, in September 2022, the Early Intervention Coordination Council (EICC) unanimously adopted a resolution calling on Governor Kathy Hochul to increase EI Rates by 11% in her 2023-24 proposed State Budget due in January 2023. Despite strong advocacy for this increase by NYSSLHA and other groups, Governor Hochul did not include this increase for EI rates in her Executive Budget proposal. During lobby day, NYSSLHA strongly advocated for an 11% increase in the EI program to be included in the Senate and Assembly One House Budgets. Following lobby day, NYSSLHA also issued several Action Alerts to members encouraging calls to legislators and Governor Hochul to urge investment for an 11% EI rate increase.

This strong advocacy resulted in both the Senate and Assembly investing tens of millions of dollars in their One House budget proposals to fund an 11% increase to EI reimbursement rates. Thank you for responding to these calls to action to fight for an EI increase in the final budget.

***Oppose Moving Professions from NYS State Education Department (SED) to NYS Department of Health.***

NYSSLHA is opposed to the Governor's budget proposal to transfer oversight and regulation of health professions, including speech-language-pathologists (SLPs) and audiologists, from the State Education Department to the New York State Department of Health.

Approximately 80% of SLPs in the State work in a school setting. Under current NYS Education law and rules, SLPs require a teaching certification in addition to licensure to provide services in schools. The State Education Department currently regulates school-based settings. They are experts in the training, education, and other requirements that are necessary to provide an optimal learning environment for children who are in need of special education and other related educational support services. The Department of Health, which regulates health facilities such as hospitals, nursing homes, clinics, and EI programs, does not have this expertise or the necessary familiarity and oversight required in the certification process.

SLPs and audiologists have a strong relationship with the SED Office of the Professions and rely on their experience, knowledge, and expertise to ensure that revisions in State Education law and regulations can be accomplished quickly and efficiently to best serve our patients. NYSSLHA strongly supports oversight and regulation of our professions remaining with SED.

Both the Senate and Assembly rejected this proposal in their One House Budgets and NYSSLHA will continue to urge this proposal be rejected in the final budget.

***Legislative Priority: Oppose Dispensing Hearing Aids on a For a Profit Basis S2697 (Harckham)/A2478 (Paulin) Westchester County Pilot & S1510 (Bailey)***

For the 20<sup>th</sup> year in a row, legislation opposed by NYSSLHA has been introduced to allow a physician to dispense hearing aids for a profit. Physicians are currently authorized to dispense hearing aids to patients and to make a modest profit on the device. In addition, physicians may charge their regular fee for any medical examination of the patient plus patient cost-sharing and to recoup the cost of the device. This legislation would allow a physician practice to make an uncontrolled profit on the sale of a medical device, presenting a potential conflict of interest.

During the Lobby Day, NYSSLHA educated lawmakers about this legislation and shared concerns regarding for-profit physician hearing aid dispensing, particularly relating to consumer protection. NYSSLHA will continue to oppose this legislation through the remainder of the legislation session

**Regulatory Update**

***Hearing Aids: NYS Response to Federal Regulation Changes***

On October 17, 2022, regulations establishing a new category for over-the-counter (OTC) hearing aids took effect. Regulation of hearing aid dispensing, and any resulting regulatory changes that may be necessary for NY to conform with the new federal regulations would fall under the jurisdiction of the New York Department of State (DOS). NYSSLHA worked closely with DOS during their review of these regulations to ensure that NY would maintain the strong consumer protections that exist in statute relating to the dispensing of hearing aids. DOS has consulted with NYSSLHA directly on two Guidance documents to help hearing aid dispensers

and consumers understand the new hearing aid rule changes and clarify the differences between OTC and traditional hearing aids. As NYS adapts to these new federal changes, NYSSLHA will continue to work closely with DOS on behalf of consumers and audiologists who dispense hearing aids.

**2023 NYSSLHA Post-Budget Lobby Day**

NYSSLHA's Post-Budget Lobby Day will be held in person on Wednesday, May 10. Reid, McNally, & Savage will arrange meetings with key legislators and staff for the NYSSLHA President and members of the Government Affairs Committee.