

**Legislators, Organized Labor, Healthcare Providers, Educators & Advocates
Call for Greater Access to Mental Health Care in New York**

All seek passage of Assemblymember Bronson & Senator Brouk's bills

April 17, 2024, Albany, NY – Organized labor, healthcare providers, educators, and advocates are calling upon the Senate and Assembly to pass two bills sponsored by Senator Samra Brouk and Assemblymember Harry Bronson.

The bills:

- A9018/S8715 - Bronson/Brouk - Authorizes Licensed Creative Arts Therapists to bill Medicaid directly for psychotherapy.

This action adds urgently needed providers to a Medicaid benefit (psychotherapy) that is already covered. This action does not increase costs—it increases the supply of providers available to serve our state’s most vulnerable populations. LCATs currently work in OMH, OASAS, and HHA operated agencies and clinics, in schools, and inpatient & outpatient treatment hospitals and substance abuse treatment facilities. As they have for more than 20 years; and

- A6173/S6362 - Bronson/Brouk - Authorizes that commercial insurance plans provide benefits for outpatient mental health services by Licensed Creative Arts Therapists pursuant to Article 163 of the education law (est. in 2005) and within their lawful scope of practice as psychotherapists.

This bill would require insurers to reimburse creative arts therapists licensed under article 163 of the education law:

1. This change serves the intent of Timothy's Law by making needed mental health services available to more patients;
2. It will ensure that a patient does not lose their existing LCAT therapist if they change jobs and insurance plans;
3. It will ensure that a patient is not denied mental health services because the providers of commercial health insurance plans are located too far from the patient's home or the patient is unable to afford the out-of-pocket expense of a therapist;
4. It will expand patient choice by increasing the variety and number of reimbursable providers available to treat mental health disorders;
5. It will benefit rural areas where a patient may have limited access to therapy; and
6. It eliminates the patchwork of insurers who until now have been able to choose which licenses they cover for psychotherapy.

Creative Arts Therapists have been licensed under Article 163 of the State Education Law, which created four mental health practitioner licenses – mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts. Like their Article 163 counterparts, licensed creative arts therapists complete 60-credit master's degrees approved by the Department of Education. Curriculums include psychotherapeutic approaches, evidenced based trauma treatments, psychological assessment, diagnosis and treatment planning, and addictions and substance abuse treatment.

The procedural codes for the psychotherapy sessions provided by an LCAT are the same codes used when a psychotherapy session is provided by a licensed clinical social worker, psychologist or any other licensed mental health practitioner. Commercial health insurance plans including Cigna, United Health Care and Healthfirst have covered LCATs as providers of psychotherapy since 2008.

LCATs provide individual, group, and family psychotherapy in a wide variety of inpatient outpatient settings across New York State, including Office of Mental Health operated programs, Article 31 and 32 clinics, substance abuse treatment outpatient clinics, professional corporations licensed by New York State to provide psychotherapy, non-profits, medical hospitals, psychiatric facilities and others. Job titles held by LCATs include Clinical Supervisor, Director of Mental Health Services, Psychotherapist, Primary Therapist, Trauma Therapist, Director of Adult Clinical Services and others.

LCATs are integrated into health systems and mental health care across New York State – serving children, teenagers, adults and elderly. Very importantly, it should be noted, Licensed Creative Arts Therapists are uniquely qualified to work with refugees, immigrants, and non- English speaking individuals due to the breadth of non-verbal, inclusive and culturally appropriate arts-based interventions used.

New York's licensed creative arts therapists are a critical component of our mental health system. This is not a new service, but rather the same physiotherapy provided by all licensed practitioners - simply delivered differently. Adding LCATs to the Medicaid Provider List and covering their services by commercial health insurance plans, the state would improve access to much-needed care during our state's mental health and substance use disorder crisis.

“All people deserve dignity and the opportunity to succeed. Licensed Creative Arts Therapy provides many advantages and is an important component to successful mental health care for patients who are non-native English speaking individuals, children, or on the autism spectrum. Without a guarantee of reimbursement, these people are often excluded from receiving therapy that may dramatically improve their mental health and well-being. I am proud to stand with my colleague, Senator Samra Brouk, to advocate for my bills, A6173 and A9018, which will guarantee that Licensed Creative Arts Therapy be covered by Medicaid and commercial insurance companies so that all people in New York have access to mental health treatment that works for them.” – **Assemblymember Harry Bronson**, Chairman of the Assembly Labor Committee and Sponsor of Assembly Bills 6173, 9018.

“We know that talk therapy may not work for everyone, and that’s why I’ve been so proud to champion the work of Licensed Creative Arts Therapists (LCATs). These masters-level licensed mental health practitioners are trained in psychotherapy and in specific arts disciplines like dance/movement therapy, drama therapy, music therapy, poetry therapy and arts therapy. Passage of my legislation S8715 (authorizing licensed creative arts therapists to bill Medicaid directly for their service) and S6362 (to include outpatient care provided by creative arts therapists in more insurance policies), will not only help alleviate our mental health workforce shortage here in New York, but also expand access to practitioners who are uniquely qualified to work with refugees, immigrants, and non-English speaking individuals due to the breadth of their experience with non-verbal, inclusive, and culturally appropriate arts-based interventions.” – **Senator Samra Brouk**, Chairwoman of the Senate Mental Health Committee and Sponsor of Senate Bills 8715, 6362.

"Creative arts therapy offers an invaluable and irreplaceable approach to psychotherapy. It is an embodied practice, addressing the impacts of lived experience on the body, mind, and spirit — a practice that works with the whole person in a way that traditional therapies often cannot address and cannot be replicated by other health professionals. We need Governor Hochul to honor the value of creative arts therapy and make sure no one is left behind on their journey towards healing and wholeness." – **Gabriela Asch-Ortiz**, LCAT, 1199 SEIU.

“Creative arts therapy expands the capacity for communication for when words are not enough to express anxiety, pain, or emotions, which is why NYC Health + Hospitals utilizes licensed creative art therapists (LCATs) across the public health system in including inpatient and outpatient behavioral health, child and adolescent behavioral health, substance use recovery, maternal mental health, medicine and correctional health settings. Allowing LCATs to bill Medicaid will expand access to mental health services for all.” – **Gianna LaFronza**, Clinical Supervisor, Behavioral Health at NYC Health + Hospital.

"The mental health care access crisis in New York State continues and wait lists for care are still too long. Licensed creative arts therapists - the 2nd largest group of mental health practitioners in NY - provide the psychotherapy needed - especially for children, those who have experienced trauma, and those for whom English is a second language. By passing the bills sponsored by Assemblymember Bronson and Senator Brouk the state will provide more options for affordable care for children and families covered by Medicaid or employer-based health insurance." – **Maya Benattar**, LCAT, LCAT Advocacy Coalition Founder, Clinical Coordinator & UUP Member, State University of New York at New Paltz.

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