Legislative Advocacy for Counselors: What’s Happening and How You Can Help

ACA Office of Public Policy and Legislation

Pittsburgh Convention Center, Room 414
2:00pm - 3:30pm
March 21, 2010
Goals of this presentation

• Show how important legislative advocacy is
• Update you on major federal policy issues affecting counselors
• Discuss the new rule for contacting members of Congress: quantity is out, quality is in
## State v. Federal Policy

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ACA Office of Public Policy and Legislation

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http://capwiz.com/counseling

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ACA and Lobbying

This is us…
Without grassroots activity, lobbying is ineffective!
Counselors and Lobbying

The ocean is big—other ACA’s:

- Am. Camping Assn
- Am. Canoe Assn
- Am. Correctional Assn
- Am. Communications Assn
- Am. Collectors Assn
- Am. Chiropractic Assn
- Am. Citizens Abroad
- Am. Council on Alcoholism
- Am. Cycling Assn
- Amputee Coalition of America
- Arms Control Assn
- Adult Children of Alcoholics
- Assn of Consulting Actuaries
- Appalachian College Assn
- American Callers Assn
- American Canine Assn
Reasons to join your association: which has more political clout?

1,500

# of members...

15,000

# of lobbyists...

# of mailings...
Don’t just sit on the sidelines — be an advocate!

Four reasons:
Churchill, baseball, camels, and data
“Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

This is the only system of government we have. If we’re going to create change, we need to work through it.
Advocacy is like baseball

- Legislative change happens s-l-o-w-l-y. It’s supposed to!

- Most of the time when a batter steps up to the plate, nothing happens

- VERY successful baseball players hit around .300

- Wayne Gretzky: “You miss 100% of the shots you don’t take.”
The Camel Analogy

- On most issues, a certain number of calls or letters will convince a legislator to take action.
- Your call or letter may not be the 10th or 20th contact that convinces a staffer or legislator to take action, but it makes that 10th or 20th contact possible!
The Data: You’re listened to MUCH more than lobbyists

“If your Member/Senator has not already arrived at a firm decision on an issue, how much influence might the following advocacy strategies directed to the Washington office have on his/her decision?”

source: “Communicating With Congress,” Congressional Management Foundation, 2005
Bonus reason to be an advocate: The Power of One

- Many times, a one-on-one contact with a legislator or his/her staff does the job
- Like other humans, legislators’ decisions are often based on personal experiences with other individuals
ACA Public Policy and Legislation Committee

- 7 members (plus ex-officio members) appointed to three-year terms
- Current chair:
  Bob Bitting
  e-mail: bitting@alfred.edu
- Meets once a year
- Proposes legislative agenda
- Awards legislative grants
Legislative Process: A Pop Quiz

Question 1:
True or false: Congress was established to enact laws

Answer:
*False.* Congress was set up the way it is in order to prevent bad laws from being enacted.
Legislative Process: A Pop Quiz

Question 2: “I read that the House passed legislation granting scholarships for school counselors. Where do I get an application for one of these?”

Answer: You can’t get one, at least not yet. In order to become law, the same exact language, in the same exact bill, must be approved by both chambers of Congress, and then signed into law by the president. (Even then, the program has to be developed by the federal agency.)
Question 3: True or false: Bills focusing on counselors don’t usually come up for votes before Congress

Answer: True. It is very rare for Congress to vote on a provision focusing on counselors. Counseling-specific language is usually adopted—or not adopted—by members and staff working behind the scenes, based on what they’re hearing from other members’ offices, counselors, and lobbyists.
**Legislative Process: A Pop Quiz**

*The odds against enactment, 110th Congress (2007-2008)*

| Number of bills introduced, House of Representatives | 7,340 |
| Number of bills introduced, Senate | 3,741 |
| Number of Public Laws | 460 |
The train’s leaving... get on if you can!

In Congress, counseling issues are almost always hashed out in the early stages of the process. Votes usually occur on moving the legislative ‘train,’ not on adding individual cars.
What does “cosponsorship” mean?

- Legislators “cosponsor” a bill by contacting the bill’s sponsor and asking to have their name associated with the bill, showing that they support it.
- The number of cosponsors—and who those cosponsors are—indicates the level and nature of support a bill has.
- House members cosponsor House bills, Senators cosponsor Senate bills.
- Members of Congress can cosponsor legislation regardless of whether or not they sit on a committee with jurisdiction over the legislation.
- Gaining cosponsors on ‘stand-alone’ counseling bills is an important way we determine who is supporting us!
Federal policy issue: Medicare Coverage of Licensed Professional Counselors

• Medicare = health insurance for > 47M elderly, individuals with disabilities. Covers psychologists, clinical social workers

• Medicare reimbursement for counselors is not controversial. The Senate approved this in both 2003 and 2005, and the House did so in 2007 and again last year

• Medicare coverage of counselors (and MFTs) was in the House health care reform bill, but not the Senate’s, and is NOT in the legislation working its way to the president. ACA supports health insurance reform, but we’re continuing to push for counselor Medicare coverage. HCR was our best chance of getting this done this year, but there should be more opportunities later in the year.

• Counselors should ask their Representative and Senators to cosponsor H.R. 1693 and S. 671, bills to establish Medicare coverage of counselors & MFTs.
Federal policy issue: School Counselors – Appropriations plus ESEA reauthorization

- The Elementary and Secondary School Counseling Program (ESSCP) is a discretionary, competitive grant program administered by the U.S. Dept of Education (ED).
- The only source of federal funding dedicated to helping school districts hire school counselors and similar personnel to create or expand school counseling programs.
- ED awarded 150 ESSCP grants between 2007 and 2009.
- Congress funded ESSCP at $55 million for FY 2010 – highest yet.
- *BUT* in its budget proposal for FY 2011 (2011-12 school year) and its ‘No Child Left Behind’/ESEA reauthorization proposal, ED has asked Congress to “consolidate”/*eliminate* ESSCP!
- Counselors should ask their Representatives to sign the School Counseling Funding Letter *(see ACA Take Action site)*.
Federal policy issue: VA recognition of Licensed Professional Counselors

- ACA is working with other counselor and MFT organizations to gain implementation of a December, 2006 law (P.L. 109-461) explicitly recognizing mental health counselors and marriage and family therapists as providers within the VA health care system.

- In September 2009, House and Senate VA Committee staff met with VA staff to push them to move quickly on implementation. VA staff stated their goal would be full implementation by September 2010.

- VA is working to develop job descriptions, and set of ‘knowledge, skills, and aptitudes’ for counselors and MFTs. These will ultimately be shared with federal Office of Personnel Management (OPM), to use in promulgating government-wide position descriptions for counselors.
Federal policy issue: Independent Practice Authority for TRICARE Counselors

- TRICARE covers 9.5 million people in the U.S. and abroad: 20% active duty military, 26% family members, 54% retirees/families

- LCSWs and MFTs practice independently, but law requires physician referral and supervision for LPCs. **TRICARE is the only program doing this!**

- H.R. 3839 introduced by Rep. Tom Rooney (R-FL) to allow independent practice authority for TRICARE counselors. We’re working to gain adoption of H.R. 3839 as part of this year’s defense authorization bill


- **We want House members to cosponsor H.R. 3839, and are working to gain introduction of counterpart legislation in Senate**
Other policy issues

- Reauthorization of the Workforce Investment Act and the Rehabilitation Act
- Reauthorization of ‘No Child Left Behind’ / ESEA
- Reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA)
- Recognition of counselors as substance abuse professionals by the Department of Transportation
Tracking legislation

Legislative Branch
- Library of Congress information site ("thomas.loc.gov")
- Senate, House of Representatives ("www.senate.gov", "www.house.gov")
- CSPAN ("www.c-span.org")

State government web sites
- "www.statelocalgov.net"
- "www.loc.gov/rr/news/stategov/stategov.html"
The LIBRARY of CONGRESS THOMAS

THOMAS
In the spirit of Thomas Jefferson, legislative information from the Library of Congress

HR1: The American Recovery and Reinvestment Act (stimulus bill)

HR1106: Helping Families Save Their Homes Act (homeowner rescue bill)

What's new for the 111th Congress

| Legislation in Current Congress |
| Search Bill Summary & Status |
| Select a Representative ✔ Bill Number |
| Browse Bills by Sponsor |
| Select a Senator ✔ |

| Current Activity |
| Yesterday in Congress |
| Congressional Record Latest Daily Digest |
| On the House Floor Now |
| Schedules, Calendars |

| Learn |
| The Supreme Court |
| The Legislative Process |
| Declaration of Independence |
| U.S. Constitution |
| Women's History Month |
| More historical documents |

| Features |
Public Policy

ACA is working on a number of different federal policy issues to advance the profession and better serve clients. Your help is needed!

LEGGISLATIVE UPDATE

CURRENT ISSUES

HOW TO COMMUNICATE WITH CONGRESS

TAKE ACTION!

RESOURCES & REPORTS

LINKS

Highlights

VA to Request New Occupational Category for Counselors

We are pleased to announce that the Department of Veterans Affairs (VA) has approved the establishment of a new occupational category, or categories, for licensed professional counselors and marriage and family therapists working within the Veterans’ Health Administration (VHA).

The VHA’s announcement of the new occupational category came after the House Veterans Affairs Committee wrote to Secretary Eric Shinseki urging the VA to “move quickly” to implement P.L. 109-461, which allows counselors and marriage and family therapists to work in the VA. The letter was part of a joint effort between the ACA, AMHCA, the American Association
Call to Action!

Take Action!

Ask Congress to Get Major Health Insurance Reform Over the Goal Line
Health Legislation Could Establish Medicare Coverage of Counselors

Let Counselors Practice Independently Under TRICARE
Ask Your Rep. to Cosponsor H.R. 3839

Bill Would Improve Mental Health Services on College Campuses

Urge Congress to Fund Loan Forgiveness Program for School Counselors

Support the Increased Student Achievement through Increased Student Support Act
You will notice some “Talking Points” located to the right of the space where you will draft your letter. Feel free to use any of these talking points. But don’t use only talking points. Personalize. Add some information about yourself and why this issue is important to you. Edit your letter. Make sure your letter flows and sounds good; if it sounds like a form letter, it will be less influential.

1. **COMPOSE MESSAGE**

   **Message Recipients:**
   - Your U.S. Senators
   - Your U.S. House Representative

   **Delivery Method:**
   - Printed Letter
   - Email

   **Subject:**
   Please Support Bill to Put More Counselors in Low Income Schools

   **Editable text to House:**
   Click the red arrow to select any of the following text for inclusion in your message.

   As your constituent, and as a school counselor, I urge you to co-sponsor and support H.R. 1361, the Increased Student Achievement Through Increased Student Support Act, which would increase the number of school counselors in qualified low income schools.

   America’s schools, especially those in underserved communities, are in desperate need of additional qualified...
The Deluge: communications to Capitol Hill, 1995-2006

Source: Congressional Management Foundation, 2008
Workload has shot up...

- US Population: +100 million
- District Populations: +183,000
- Casework: Barely existed
- Faxes/E-mail didn’t exist
- 24-Hour news cycle didn’t exist
- Advocacy campaigns: Rudimentary
- Internet/Web Sites didn’t exist

...but staff sizes have stayed the same since 1970’s

source: Congressional Management Foundation, 2008
INDIVIDUALIZED contacts still work...

“If your Member/Senator has not already arrived at a firm decision on an issue, how much influence might the following advocacy strategies directed to the Washington office have on his/her decision?”

source: “Communicating With Congress,” Congressional Management Foundation, 2005
...form letters less so

“If your Member/Senator has not already arrived at a firm decision on an issue, how much influence might the following advocacy strategies directed to the Washington office have on his/her decision?”

source: “Communicating With Congress,” Congressional Management Foundation, 2005
Quotes from House correspondence staffers:

“One hundred form letters have less direct value than a single thoughtful letter generated by a constituent of the Member’s district.”

“Form letters are a waste of everyone’s time.”

CMF report: “Quality is more persuasive than quantity.... The content matters. The operating assumption of many congressional staff is that the more time and effort constituents take to communicate, the more passionately they care about the issue.”

source: “Communicating With Congress,” Congressional Management Foundation, 2005
Before picking up the phone (or keyboard), try to do your homework. This means...

- Check the status of the legislation on ACA’s website (http://www.counseling.org/publicpolicy), and likely next steps
- Find out if your legislator has taken a position on the legislation (e.g., cosponsored the legislation). You can check the status, and cosponsor list, of legislation through the ‘Thomas’ website at http://thomas.loc.gov
- Find out if your legislator sits on a committee with jurisdiction over the bill (http://www.house.gov, http://www.senate.gov)
- Check ACA’s website for stats/arguments supporting your position
Ask for specific, verifiable action!

Ask your member of Congress to...

- Vote for legislation during floor consideration or a committee mark-up
- Sign onto a “Dear Colleague” letter on your issue
- Cosponsor your legislation
- Talk/write to committee chair about your bill
- Talk/write to Administration office about your issue
- Introduce a bill
Calling, writing and e-mailing members of Congress

- Keep letters to one or two pages, tops; keep e-mails short
- Stick to one issue
- **Always include (or leave for the receptionist) your name and mailing address**
- **Ask for something specific**
- Keep a copy of your e-mail or letter for future reference
- **Consider faxing your letter**
- All Senators’ and Representatives’ offices can be contacted through the U.S. Capitol Switchboard at (202) 224-3121
- **Consider plugging your delegations’ direct phone numbers into your cell phone**
- Thank them if they do the right thing!
Addressing Letters and Postcards

For Representatives:
“The Honorable {full name}
House of Representatives
Washington, D.C. 20515

Dear Congressman/woman {last name}:

For Senators:
“The Honorable {full name}
United States Senate
Washington, D.C. 20510

Dear Senator {last name}:
The three top rules for advocacy success:

1. Follow up
2. Follow up
3. Follow up

The lobbying visit, letter, or e-mail in itself is **NOT** the end point of engaging in advocacy. The end point is getting a concrete, specific answer from the legislator/bureaucrat on your particular request.
“To address this issue, Representative Barbara Cubin (R-WY) introduced the Seniors Mental Health Access Improvement Act of 2006 (H.R. 5324) on May 9, 2006. This legislation seeks to provide for the coverage of marriage and family therapist services and mental health counselor services under Part B of the Medicare Program. Representative Cubin introduced this bill in hopes of giving patients more choices among health care providers and to enhance access to mental health services. This bill was referred to the House Energy and Commerce and House Ways and Means Committees. Although I do not serve on these committees, I will share your concerns with my colleagues who do, and I will support this legislation when it comes before me in the House of Representatives.”
Writing/e-mailing your Members of Congress: what happens when...

I don’t get a response in three weeks

– Call the office back to make sure they have your letter/e-mail, and politely offer to resend or fax the letter/e-mail again if that would help

I get a non-specific or non-germane response

– Call, or send another letter or e-mail back thanking the legislator for responding, but politely asking for a more specific response addressing your request
After you get home...

• Please sign up for our Government Relations listserv
• Visit ACA’s website for policy updates
• Visit http://capwiz.com/counseling and find out who your legislators are
• Read Counseling Today
• Visit (and bookmark!) your legislators’ webpages, to learn what’s important to them; check their schedule occasionally to find out if they’re having a town hall meeting or other public event at which you can bend their ear or simply introduce yourself
“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever does.”
~ Margaret Meade