



AMERICAN COUNSELING  
ASSOCIATION

## Office of Public Policy

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# Member's Only Mid-Term Elections Report

## Dear Members,

As many of you know, we are coming to an important time in our nation's history: the end of the 2014 mid-term elections. This November, Americans will go to the polls to elect all 435 members of the House of Representatives, as well as a third of the members of the United States Senate. The women and men who will be elected or re-elected this fall will have the ability to greatly influence many of the issues that face professional counselors. Because these elected officials are going to have such an impact on the profession, your Government Affairs team wanted to provide you with an overview of this year's elections and discuss how the results of these elections could impact the profession and ACA's legislative agenda in the next Congress.

While our legislative goals remain the same, the way we go about achieving those goals may need to be altered to ensure a greater chance of success. In some cases, Members of Congress who have been champions of the Counseling profession are retiring and we need to recruit new allies. In other cases, legislators who have been strong supporters of the profession are moving into new roles and could help provide more support for our issues.

The results of these elections matter because we have to be proactive and not reactive when it comes to pursuing our legislative goals. What we are asking for is important, but HOW we approach Congress in the next year may change. We need to be prepared for that. Additionally, if you are a constituent of one of the Representatives or Senators who are discussed in this report, you have a vital role to play when it comes to advocating for the profession with that particular Member of Congress.

We should also become familiar with the individuals who are seeking election this year because they may have an interest in our issues. For instance, U.S. Representative Shelley Moore Capito is seeking election to the U.S. Senate in West Virginia. Before entering public service, the Congresswoman worked as a career counselor at West Virginia State University, so if she becomes the next Senator for West Virginia, she is probably a person that we would want to talk to regarding our agenda.

These mid-term elections matter to the profession because the structure, tone, and direction that the next Congress will take determines where we need to place vital resources and what tactics we must adopt. Every candidate who wins an election this fall is going to be given a mandate by his or her constituency. Deciphering how our legislative priorities fit into those respective mandates is going to be a key factor in achieving our goals. For example, while recently delivering remarks to the American Enterprise Institute, House Speaker John Boehner outlined the agenda he hopes to pursue in 2015. Government spending cuts and education are top issues that he will pursue in the next Congress. That signals to us that our Medicare bill is facing a challenge because it has a cost attached to it. So we need to find a way to illustrate how adding LPCs to the Medicare network of providers can be financially beneficial to the government. If the Speaker wants to look at education issues, we need to continually speak to the fact that professional school counselors play a critical role in the academic success and mental health of our country's students.

While these elections continue to unfold, we need to take some time to examine what strategies and tactics we should use in the next Congress to accomplish our goals. We must develop a plan to focus our efforts to provide Medicare coverage for LPCs, create more employment opportunities in the VA, provide a pathway to have more LPCs serve as independent practitioners in TRICARE, and promote professional school counselors.



## Medicare

Establishing Medicare reimbursement for LPCs continues to be the number one priority for ACA. Recently there have been two pieces of legislation that have been proposed: H.R. 3662, the “Mental Health Access Improvement Act of 2013” in the House, and S. 562, the “Seniors Mental Health Access Improvement Act” in the Senate. S. 562 was introduced by Senator Wyden (D-OR) and co-sponsored by Senator Barrasso (R-WY). Representative Chris Gibson (R-NY) introduced H.R. 3662, which was co-sponsored by Representative Mike Thompson (D-CA). While both of these bills have bi-partisan support and have always been supported by members of both parties in the past, the key factor that gives current legislators pause is the cost of the bill.

If Democrats are able to retain control of the Senate, Senator Wyden will continue as Chair of the Senate Finance Committee. This bodes well for our initiative as this is the committee that our bill would need to move through. If Republicans become the majority party in the Senate, then Senator Orin Hatch of Utah will most likely become the Chair of the committee. Senator Hatch has been open to the idea of including LPCs in Medicare but the cost is an issue that he must contend with. In addition to that, we must work to gain the support of Republican Senators who serve on the Finance committee to help ensure passage. But again, the cost of the bill is an issue that must be overcome if we are to gain more Republican support.

The situation is similar in the House. Congressman Paul Ryan is expected to become the next Chair of the House Ways and Means Committee, which will also need to approve any Medicare bill. Congressman Ryan has demonstrated an ambition to make sweeping changes to the Medicare program. If he can be convinced that this bill represents real reform and could result in cost savings, then we could gain a very important ally in this fight.

The main priority for all of us in regard to the Medicare issue is to get as many Republicans (preferably those who serve on Senate Finance, House Ways and Means, and the House Energy and Commerce committees) on these bills as possible, both now and in 2015.

## VA

This past summer’s VA healthcare scandal brought a renewed focus to the ability of our nation’s veterans to access the health care that was promised to them. As a result of the scandal and ensuing investigation, some senior leaders at the VA have left and there have also been a number of other departures. What this means is that our efforts to call on the VA to hire more LPCs in its healthcare facilities must be renewed as new individuals are now coming on board and need to be educated about this issue.

Congressional support for our efforts is strong. Leaders from both parties very much support the VA hiring more LPCs and have been willing to sponsor legislation to make that a reality. One Senator who has shown a willingness to sponsor legislative remedies to our VA problems is Senator Mark Pryor (D-AR). However, Senator Pryor is locked in a very tight re-election race with Congressman Tom Cotton. If Senator Pryor loses his re-election bid, we could lose an ally. However, Congressman Cotton is a Marine veteran, so there is a strong chance that he would be supportive of our goals as well.

Support for the counseling profession in the Senate is also strong with Republicans. Senator Richard Burr (R-NC) could become the next chair of the Senate Veterans Affairs Committee. He has included legislative language in previous Senate bills that calls on the VA to provide more employment opportunities for LPCs.

Whether Democrats maintain control of the Senate or Republicans become the majority, it is clear that there will be several new members who will need to be educated on our issues. Other allies should be thanked for their previous efforts.

## TRICARE

Many of you have seen the final rule regarding LPCs serving as independent practitioners within TRICARE. While ACA was pleased that the transition period was extended and there were changes to the supervision requirements, there are some provisions in the final rule that are troubling to us and others.

Namely, the requirement that LPCs have a degree in either clinical mental health counseling or mental health counseling prevents a number of qualified LPCs from obtaining certification. ACA called on TRICARE to remove this requirement but that recommendation was not adopted. Therefore, it seems that a legislative remedy would be the best option to instate these changes, and thus create a more inclusive policy for qualified LPCs to become independent practitioners.

Several members of the Senate Armed Services Committee have been supportive of the counseling profession in the past (Sen. Angus King, I-ME is a co-sponsor of our Medicare bill), but the leadership on this committee will change because of the retirement of Chair Carl Levin (D-MI) and the term-limit of Ranking Member, Sen. James Inhofe (R-OK). If Republicans gain control of the Chamber, Sen. John McCain (R-AZ) could be the next Chair. If the Democrats retain their majority, Sen. Jack Reed (D-RI) could chair the committee.

### **School Counseling**

During the numerous budget battles of the past two years, the counseling profession has actually scored a small victory due to the fact that the Senate Appropriations Committee has continued funding for the Elementary and Secondary School Counseling Program (ESSCP). While some proposals have called on the program to be cut or eliminated, we have been fortunate enough to have Senator Tom Harkin (D-IA) continually support the ESSCP program and ensure that those funds are maintained in federal appropriations bills.

However, funding of the ESSCP could be in jeopardy as Senator Tom Harkin is retiring this year. This means that we will need to find a new champion for the program in the coming year. One promising candidate could be Senator Jerry Moran who is the author of the original legislative language that authorized the VA to hire LPCs in the VA. Sen. Moran could very well be the next Chair of the Appropriations subcommittee that would allocate funds to the ESSCP. If that happens, we will need to reach out to the Senator to gain his support for the program.

Senator Harkin's retirement also creates a change in leadership on the Senate Health, Education, Labor and Pensions Committee. Currently the Senator serves as Chair of that committee, but that, of course, will change. Sen. Patty Murray from Washington will likely take over for Sen. Harkin if Democrats retain control. Senator Lamar Alexander of Tennessee will either be the Ranking Member or Chair. Either way, ACA members in Washington and Tennessee will need to begin to conduct outreach efforts to these offices in order to establish relationships with both Senators in the hopes that they will be supportive of our legislative agenda and the profession as a whole.

### **Conclusion**

It is evident that there will be some major shakeups in the 2015 Congress; therefore, it is important that we make sure our collective voice is as strong as ever. We all have to make an effort to ensure that voice is not lost in the next Congress.

If you or any of your colleagues would like to get involved please don't hesitate to contact our grassroots organizer, Dillon Harp, by phone at 703-823-9800 ext. 202 or by email at [dharp@counseling.org](mailto:dharp@counseling.org). If there is anything that Dillon or anyone else on our Government Affairs team can help you with, please let us know. We look forward to continuing to work with all of you and fight for the counseling profession in the next Congress.