

THE YOUTH ADVOCATE

NATIONAL ASSOCIATION OF THERAPEUTIC SCHOOLS AND PROGRAMS
GOVERNMENT RELATIONS BULLETIN



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LEGISLATIVE ALERT

MILLER, HARKIN REINTRODUCE LEGISLATION TO PREVENT CHILD ABUSE IN TEEN RESIDENTIAL PROGRAMS

As predicted, certain legislators continue to have strong ambitions to regulate the therapeutic teen industry through the passage of federal legislation. On October 6, 2011, **Congressman George Miller (D-CA)**, Ranking Minority Member of the House Education and the Workforce Committee, and **Senator Tom Harkin (D-IA)**, Chairman of the Senate Health, Education, Labor, and Pensions Committee (HELP), introduced identical versions of **H.R. 3126 & S. 1667, the Stop Child Abuse in Residential Programs for Teens Act of 2011** in the 112th Congress. H.R. 3126 and S. 1667 are expected to mirror past defeated legislation from Congressman Miller, H.R. 911 (commonly referred to as the “Miller Bill”). The 111th Congress passed H.R. 911 in the House, but allowed it to expire in the Senate.

H.R. 911 would have created a one size fits all, duplicative level of federal regulation on top of current state regulations, and established many new and naïve rules governing the industry. NATSAP is supportive of regulation and offered a revised version of the legislation (that Congressman Miller refused to consider) which would not create a new level of federal bureaucracy on top of state requirements, but instead a minimal structure, via HHS, to ensure:

1. Uniformity of state licensing requirements throughout the country.
2. Uniformity of accreditation.
3. The federal government ensures that state governments follow these mandates, but direct oversight of the programs remain in the state governments hands, not Federal



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It should prove to be difficult to move this new “Miller Bill” as written through both houses, due to the makeup of the 112th Congress, the current political climate, and the inflammatory language of the previous “Miller Bill”, but no outcome is guaranteed. This should remind everyone that it is critical to remain involved and proactive in our advocacy efforts at all times. NATSAP and the Government Relations Committee will continue to monitor the situation and keep the membership informed, but in the meantime, all members can assist in our efforts by:

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- Programs can continue to: collect data about the impact of your program on adolescents and their families; conduct outreach to your congressional/delegation; invite your members of Congress and their staff to visit your program; and identify alumni and alumni parents now who can play key roles in future advocacy efforts. Relationship building and the continued education of Members of Congress, especially on the House side, is a priority. Garnering advocates in the House and the Senate could help influence pertinent legislation.
- Interested alumni can: prepare written testimonials about individual experiences with your program (it is important to point out, however, that in many cases, alumni testimonials will become public record and thereby jeopardize confidentiality); and let programs know if you would be interested in attending future meetings with members of Congress and their staff about this legislation, as well as if you would be willing to send emails and letters if and when legislation starts to move.
- Parents of alumni can: also prepare written testimonials about your experience with your child and his or her program; let the program your child attends/attended know if you would be interested in attending future meetings with members of Congress and their staff, as well as if you would be willing to send emails and letters if/when the legislation starts to move.

REGULATING ONLINE MENTAL HEALTH THERAPY

In today's technologically centered world, teletherapy and online mental health therapy has evolved into an integral part of the therapeutic process for programs, but so has regulation of the practice at the state level. Currently, California and 14 other states have passed legislation making it illegal to perform therapy (telephone, Skype, Facebook, texting, etc.) on a patient in those states by a therapist located and licensed in another state. The issue has recently begun receiving national media attention and could grow as more states begin debating and regulating the practice. Recently, the Utah State Legislature debated **H.B. 244, Online Mental Health Therapy**, introduced by Rep. Keith Grover. H.B. 244 allows mental health

therapists to conduct therapy remotely (via online, telephonically) to individuals outside of the State, but many groups are opposing it. NATSAP is working with other groups and industry professionals to get a consensus on the proposed legislation and its possible effects on the industry. While this is currently a state by state issue, it is rapidly becoming a national issue and could eventually be eyed for federal regulation. Representatives of NATSAP's Government Relations Committee in Utah are leading the efforts there. NATSAP will continue to monitor the situation and please contact us with any questions or concerns in your state.

NATSAP STATE REGULATION DATABASE PROJECT

The NATSAP Government Relations Committee is excited to announce its ambitious new project in which it will attempt to collect and compile a comprehensive database of current state regulations regarding the teen therapy industry. Each state varies in terms of its needs and resources, and so should its regulations. For example, other than Nevada, Utah has more public land (proportionally) than any other state. In some states where outdoor programs operate like Texas, Florida, Georgia, North Carolina, and even New Jersey, they have to address a whole different scenario when it comes to operating on mostly private lands. That's just one reason that each state needs to have its own unique regulations instead of dictating uniformity across the country. NATSAP has supported and advocated this position to defend its members from overlapping federal regulation and intrusive controls. In order to assist

NATSAP and its supporters, a clearer knowledge of state regulations needs to be gained through collection of current state regulations regarding the teen therapy industry into one database. This will enable NATSAP to confidently respond, inform, and assist our critics. NATSAP has been working with the National Association for Regulatory Administration (NARA) on the project, but much of the heavy lifting will need to be done by NATSAP members, mostly the Government Relations Committee. If any member program or employee would like to assist, please contact NATSAP or a committee member.

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