



## SECTION THREE

# DEVELOPMENT OF AN EFFECTIVE CHAPTER LEGISLATIVE PROGRAM

A successful chapter legislative effort is very rewarding to the participants and the chapter membership. Planning, organization, teamwork, communication, knowledge, honesty and enthusiasm are crucial to the success of any effort. The credibility and effectiveness of your chapter within the political arena is dependent upon its ability to formulate and follow through on a successful legislative program.

Elements critical to the success of a chapter legislative program are:

- Defining the measure of success
- Organizing the government affairs committee
- Establishing rules of operation and process
- Formulating a mission statement with achievable goals and objectives and preparing a legislative agenda with an action plan
- Focusing on understanding the legislative process
- Developing relationships with policymakers and political organizations
- Developing a code of conduct
- Reviewing the committee's performance

### Defining Success

Success in the political arena means meeting your expectations and having a rewarding and gratifying experience. Your primary concern may be the passage of certain legislation, the political education of your members, the formation of political contacts that could be useful in the future, or some other goal. It is therefore important to understand and determine your chapter's expectations and priorities. Having a rewarding experience implies that you have functioned effectively as a legislative committee with your members having a positive experience in the process.

### Committee Organization

A government affairs chairperson should enjoy politics, have organizational skills, have experience in legislative matters, and have the time to do the job. The chairperson acts as the coordinator, spokesperson, and leader of the group. The chairperson should periodically update the chapter board, the president, and the executive director.

Committee members should be selected based on interest, but other factors may be important. Gender, or institutional or geographic

diversity, for example, may be considerations, as well as past performance and personal suitability. A flamboyant zealot may do more harm than good.

Committee members should assist in the development of the legislative program, complete assignments, and attend meetings. Committee members assigned to tasks should consult the chairperson prior to taking major action and inform the chair of progress on their assignments.

It is imperative to determine in advance the role of the president, the board, lobbyists, and staff to the committee in setting and implementing the legislative agenda. Some chapters may prefer staff- or lobbyist-driven committees, while others may not. Understanding the chapter's expectations, needs, and resources at the outset is crucial to the effective functioning of the committee.

## **Operational Rules and Process**

The committee should establish a process for determining chapter positions on bills and other politically sensitive issues. Generally, after appropriate background information has been obtained and presented, committee members will vote on a position. Positions on significant issues are often recommended to the board for final approval. Generally, chapters vote to support, monitor, oppose, or take a "no position" on a bill. A process for changing the chapter's position on an issue based on new information or amendments to a bill must be established.

Additional considerations include the following:

- What is the voting process (majority or two-thirds majority)?
- What constitutes a quorum?
- Does the chairperson vote?
- Who makes quick decisions when the committee cannot be consulted (for example, committee, chair, president, person assigned to bill, lobbyist, executive director)?
- What is the role of the board and the president?

- Does the board have final approval on chapter positions?
- What role does the lobbyist play in determining chapter positions?
- How is the membership to be involved – surveys, telephone trees, other means?

It is critical to know who makes decisions and under what circumstances. A good rule of thumb is to ask whether anyone needs to be consulted before making a decision and who needs to be informed once the decision is made. The situation in which different people make conflicting decisions without good communication or understanding of their roles does not serve the committee well, is frustrating, and confuses those in the political arena who interact with representatives of the chapter. Much time can be spent backtracking, getting upset, and correcting what someone else has done. Streamline the process as much as possible.

It is important to establish in advance a policy for dealing with conflicts of interest, that is, committee members representing other institutions or organizations. In general, a policy of doing what is in the best interest of the ACEP chapter should be followed ("wearing the ACEP hat"). Furthermore, understanding ACEP policies and positions is critically important. In general, the committee should be aware of the probability of outside pressure on committee members, staff, and lobbyists by political parties interested in influencing ACEP positions. Do not underestimate the political process! Committee members must understand what is expected of them in supporting ACEP positions and in relating instances of outside pressure to the committee.

Legislative committees should have definite policies addressing non-committee members and non-ACEP members attending legislative committee meetings. A procedure for holding "closed" meetings should be established. Only designated individuals should give statements to or interviews with the media.

## **Mission Statement, Goals and Objectives, Legislative Agenda**

How much a legislative committee can accomplish depends on the interests of individual committee members and a realistic appraisal of the amount and type of effort each individual can contribute. Ask members what issues interest them and whether they would be willing to research issues, write and present testimony, lobby at the capitol, hold campaign fundraisers, attend legislative meetings, serve as key contacts, and so on. It is important for members to be realistic in committing to a level of participation. Be prepared to inform members what is expected if they accept certain assignments. Based on this information, the committee will be able to more realistically develop goals and objectives.

Frequently, committees focus on what they should do rather than what they can do. If chapter staff or lobbyists are available, utilizing their services and expertise can maximize the efficiency and expand the capabilities of the committee. Remember that committee members are volunteers and will prioritize their time to work on projects if they find them personally rewarding.

Goals and objectives must be developed and periodically updated. One goal may be to monitor and adopt positions on all legislation pertinent to emergency medicine. An objective would be to actively work for (or against) any bills on which a position was taken. Form an action plan to assign individuals to those “support or oppose” bills, to testify and/or lobby as indicated. Distribute a specific list of all legislative activities and assignments with timelines.

Schedule a planning session following each legislative session to determine how the committee will proceed before and during the next session. Valuable background work and coalition building can be done prior to the session once issues and a general approach have been determined.

Once the chapter determines its legislative agenda, the next step is to develop an action plan. Decide who to contact and how to research the issues – medically, legally, politically, and in other ways. Making decisions

without adequate understanding of the issues and other perspectives is likely to result in failure. The committee should define specific legislative goals and objectives based on principles for each issue.

It is usually helpful to put yourself in the shoes of other interested parties – legislators, consumers, payers, trial attorneys, hospitals, the state medical association, policymakers, and others. Understand the legal issues and the legislative history. Know who has supported and who has opposed similar legislation in the past. Do not formulate a final opinion until you have objectively looked at the facts and tried to solve the problem from all perspectives. Remember to anticipate unintended consequences that may arise from the position you espouse. Your case then can be argued based on merit and principle. Avoid politically expedient approaches and deals.

## **Understand the Political Process and Meet the Players**

It is difficult to understand the political process unless you follow and participate in it. Committee members must educate themselves by observing the legislature in session, following the legislature through the media, and asking questions of politicians and others. In return, opportunities to educate policymakers about issues affecting emergency medicine should be pursued. Be sure to acknowledge and answer policymakers’ concerns. Discounting them can be damaging to your position. The communication and education process must be a two-way street.

Committee members should try to meet and form strong relationships with their representatives and senators. Physicians are considered experts by most legislators, and their input is appreciated. Legislators, in turn, can be helpful in explaining the “incomprehensibles” of politics, such as the caucus deals and why a particular bill is not getting a hearing.

## **Developing Relationships**

It is important that your chapter establish a working relationship with the state medical association, ACEP, and other medical advocacy organizations such as the state hospital

association and the state chapter of ENA. A good working relationship with the state medical association is desirable, but an independent analysis of issues affecting emergency medicine should be maintained. ACEP can provide assistance and information through its State Legislative Office and State Legislative/Regulatory Committee and can share ideas developed in other states and at the federal level that can be invaluable to your efforts.

## **Performance Review**

Following the legislative session, hold a frank discussion of your committee's accomplishments and disappointments. Feedback enhances the committee's ability to improve its future efforts. Areas of contention or disagreement should be discussed, and a commitment to successful future committee activities should be made. This review should be positive and constructive, not punitive. It is an opportunity to reinforce and feel good about the committee's performance.

## **Code of Conduct**

Individuals operating in the political arena frequently find themselves more comfortable going along with what seems popular rather than what seems right. Unfortunately, certain lobbyists and legislators practice "Doublespeak." Despite the prevalence of misinformation within the political process, the surest way to achieve success for your chapter is to tell the truth.

The path of least resistance is often to say what your audience wants to hear, but remember that inconsistencies in your approach will be discovered and exploited to the detriment of the chapter and its goals. If you become labeled as untrustworthy, you will have a difficult time being effective in the political arena. It takes courage to take a stand – be courageous! Practice the art of diplomacy without duplicity. It is the best way to earn respect and be successful.

Legislative committee members should never misrepresent the chapter's positions. If a member's personal view differs from the chapter's and the member feels compelled to

express that view, it should be made clear that the member is expressing a personal view and not the chapter's position on the issue. If the chapter does not have an official position, the member should say so. Publicly criticizing the chapter's position or members or misrepresenting their views is a serious ethical mistake that serves only to cast doubt on the individual and the chapter.

Agree to respect differences of opinion and immediately resolve tensions within the committee. Nothing can ruin the committee's effectiveness and the entire legislative experience more rapidly than member infighting. Confront problems in a constructive way. Politics seems to attract disagreement, so learn how to resolve conflicts and move forward with your agenda.

Finally, remember that an effective legislative committee works as a team. Victories and setbacks should be shared. When the team works together, it moves forward and the committee makes progress on its agenda. No one can do it alone – it is a team effort.