




## THE ROLE OF PUBLIC POLICY TO IMPROVE CARE FOR PATIENTS

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### How does public policy impact health care


- Laws set standards
  - Minimums
  - Reimbursement => incentives
- Your state already has laws governing this care
- Can be beneficial or create barriers
- Can create change (laws get attention)



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### Scope of State vs Federal Law

<ul style="list-style-type: none"> <li>• State Laws                             <ul style="list-style-type: none"> <li>• Hospice Licensure</li> <li>• Professional scope of practice</li> <li>• Advance care planning</li> <li>• Medicaid reimbursement</li> <li>• And more</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Federal Laws                             <ul style="list-style-type: none"> <li>• Hospice Conditions of Participation</li> <li>• Medicare Program</li> <li>• Medicaid Program</li> <li>• And growing</li> </ul> </li> </ul>
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### How to use the legislative process



- 1) Strategic preparation
- 2) Engage in the legislative process
- 3) Preparation for implementation



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### Strategic preparation for legislation

- How will key stakeholders respond?
  - Who cares enough to support your idea
  - Who is going to oppose your idea
- Can you work things out ahead of time?
  - Get people on board
  - Meet with potential opposition
  - Could their opposition be removed with time



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### Strategic preparation for legislation

- Make list of key points
  - Do your research
  - Address opponents' concerns
- Special considerations for federal legislation
  - More complex stakeholder environment



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## Impacting the legislative process

- Know your legislative process
  - Legislative calendar
  - How to bills go from idea to enactment
    - Committee process
    - Two houses / chambers
  - How transparent is the process
  - Online resources

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## Impacting the legislative process

- Being present
  - Information is gold
  - Things are really slow until they happen



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## Impacting the legislative process

- Do you need a lobbyist
  - Pros
    - Professional help
    - Know the legislative process
    - Know the political scene
    - Present & connected to intelligence
    - Present & can act quickly
    - May have key political connections for your issue

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## Impacting the legislative process

- Do you need a lobbyist
  - Cons
    - Cost
    - Know your lobbyist's style
    - Know your lobbyist's political strengths
    - Your lobbyist still needs your help

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## Impacting the legislative process

- Grassroots
  - Key component of your strategy
  - Politicians want to stay in office
  - Target legislators in key legislative positions
- Special considerations for federal legislation
  - More complex legislative process
- Remember the state budget

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### How to use the legislative process



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### Planning for implementation of new law

- Is it self-implementing?
  - People just need to know about it
- Does it require further government involvement
  - Regulations
  - Policy letter
  - Which government agencies will be involved

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### Planning for implementation of new law


- Would it benefit from private support
  - Communication / dissemination
  - Pilot
  - Best practices
  - Consensus standards
  - Report / evaluation
  - Grant funding

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### Planning for implementation of new law

- Examples
  - Establishing POLST in law
  - Adding to who can sign POLST forms




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### The role of the regulatory process

- Two situations
  - Can change be made through regulation (without legislation)
  - What happens after legislation is passed
- How to work with regulators
  - Which agency is responsible
  - What is the regulatory process
  - What are their motivations & pressures
- Example – Let’s Get Healthy California

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### Get to know your representatives!

- Politicians want to stay in office
- They need local experts
- Your representatives have local offices
- They often rely on their staff



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## Language

- Congress
  - Senate
  - House of Representatives
- State Legislature
  - Senate
  - House of Representatives / Assembly



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## Examples of legislative ideas

- Palliative Care Advisory Councils
  - 16 states have enacted
  - 7 states are considering
  - Florida – created by the FL Surgeon General
  - American Cancer Society key sponsor
  - Activities include
    - Central website on palliative care for state
    - Reports on prevalence of palliative care in state
  - Promote palliative care pilots

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## Examples of legislative ideas

- Mandatory Continuing Education
  - Physicians, nurses, other professionals
  - Require specific amount of CEUs in palliative care
  - Arose out of concerns about pain management practices
  - California, New York
- Hospice House

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## Examples of legislative ideas

- Right to Know
  - Under certain conditions required to give patient certain information
  - Oregon, Massachusetts, New York, California
- Palliative Care Standards
  - As consumer protection
  - Via regulation
  - Colorado

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## Medicaid

- Pediatric Concurrent Care
  - Massachusetts, California, Vermont
- DSRIP waiver
  - Include palliative care as quality incentive for safety-net providers
  - New York, California

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## Medicaid

- Model Demo for Dual Eligibles
  - Testing palliative care benefit
  - South Carolina
- Medicaid Managed Care Plans
  - Through contract require access to palliative care
  - California (SB 1004)

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