

**Legislative Strategies:  
Momentum to Drive  
"Audacious" Policy Change**



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**Objectives**



1. Discuss the basis for legislative decision making and the political process
2. Address key issues driving audacious policy change
3. Identify legislative strategies used to influence health policy

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œ This speaker has not received any financial assistance or grant support funding from any private or not-for-profit enterprise.

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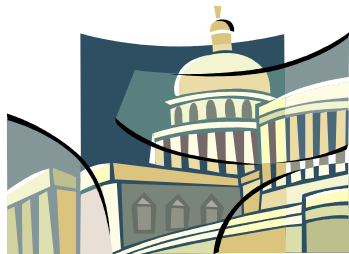
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## Political Landscape



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## Understanding the Political Landscape



- ☞ Political Landscape
  - ☞ an extensive political mental viewpoint
  - ☞ main features of a situation or activity
- ☞ Need to know the *political lay* of the land
  - ☞ not enough to have power but provides opportunities to meet goals
  - ☞ need to how much & what kinds of power others have in influencing decisions
  - ☞ exercise capacity to shape policy and decisions
- ☞ Who are the key political actors/players/stakeholder groups:
  - ☞ i.e., Shifting Congressional Seats: Republicans control the House, Democrats control the Senate
  - ☞ voter patterns? are they changing?
  - ☞ SIGs

Source: Aboud, S. (2007). Influencing health care in the legislative arena. OJIN: The Online Journal of Issues in Nursing, 12 (1). Retrieved from <http://www.medscape.com/viewarticle/553404>

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## Political Influence



- œ Shaped by what occurs at:
  - œ National Level Politics
    - œ Economy (current issues & trends)
    - œ Health Care Reform
      - œ Health Care Improvements: Access, Safety, Quality & Cost
        - œ i.e., Healthcare spending will exceed \$4 trillion by 2017
      - œ Defense Spending
    - œ State Level Politics (State-by-State implementation of ACA; rules, regulations & laws governing <sup>SC07</sup>)
    - œ Local Level Politics
  - œ How is power and influence distributed at these levels?
  - œ How do stakeholders get involved and/or excluded from decisions to influence behavior and decision-making?
  - œ What is the current bureaucratic mindset ?
  - œ How can we build public awareness? (Absood, 2007)

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## Policy Cycle & Process



- œ Complex process
  - œ Multiple levels of government
  - œ Private & public sectors
- œ Five components to a policy cycle:
  - œ Issue raising
  - œ Policy design
  - œ Building public support
  - œ *Legislative decision-making & building policy support*
  - œ Policy implementation (p. 303)

Source: Lei, S., & Douglas, S. A. (2005). Essentials of the US health care system. Boston, MA: Jones and Bartlett Publishers

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## Key Issues Driving



## Audacious Policy Change

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## Where we are Now



- œ Building momentum for change:
  - œ Affordable Care Act (aka: HCR)
  - œ APRN Consensus Model of Regulation
  - œ IOM (2011): "Future of Nursing: Leading Change, Advancing Health"
  - œ Statewide Action Coalitions formed and emerging

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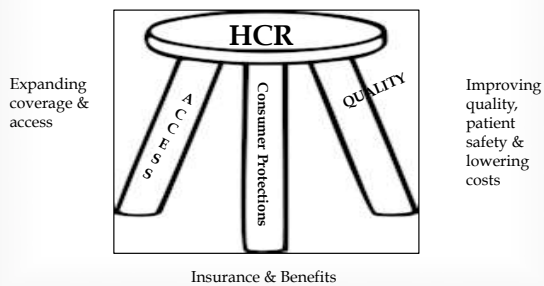
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## Affordable Care Act: The 3-Legged Stool of HCR

(Source: Schulte, JL 2011)




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## Where we are Going



- œ Implementation of HCR
  - œ 3-legged stool approach: 1). Access, 2). Consumer Protection & Safety, 3). Quality in Care & Outcomes
- œ Emerging legislation/regulations to advance the nursing profession to:
  - œ Increase access to primary health care
  - œ Building a stronger health care workforce
  - œ Securing funding for nurse education (Title VIII)
- œ Updating SOP for Health Professions and Advanced Practice Nurses (APNs) via Consumer Boards
- œ Innovation
  - œ Emerging alternative models of health care delivery
  - œ HIT
- œ Finance Structures
  - œ ACO's
  - œ Medical Homes

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## IOM: Future of Nursing(2011)

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|   |  |
|---|--|
| Practice to the full extent of their education & training     | Achieve higher levels of education & training through an improved education system-seamless academic progression |
| <b>4 Key Messages for Nursing</b>                             |  |
| Be full partners with physicians & other health professionals | Effective workforce planning & policy making require data collection & improved information infrastructure       |

Source: (Adapted Slide by D. Emanuele). IOM (2010). Future of nursing: Leading change, advancing health. Washington, DC: National Academies Press.

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## How Do We Get There

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- ❧ Patience and Strategic Planning
  - ❧ Collaboration
  - ❧ Networking
  - ❧ Consistent messaging
  - ❧ Evidence
  - ❧ Legislation
  - ❧ Regulation

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## Creating Momentum

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|   |  |
|---|--|
| <p>Primary Issues</p> <ul style="list-style-type: none"> <li>❧ Access to Health Care           <ul style="list-style-type: none"> <li>❧ Health disparate and vulnerable groups</li> </ul> </li> <li>❧ Safety &amp; Quality</li> <li>❧ Cost of Care</li> </ul> | <p>Primary Influences</p> <ul style="list-style-type: none"> <li>❧ Stakeholder Groups           <ul style="list-style-type: none"> <li>❧ Consumers &amp; Consumer Advocacy Groups</li> <li>❧ Organized Health Systems               <ul style="list-style-type: none"> <li>❧ Payers/Insurer's</li> <li>❧ Professional Organizations</li> </ul> </li> </ul> </li> <li>❧ Evidence</li> </ul> |
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## Involved Processes



- ☞ Managing Conflict
  - ☞ Encounters can provide opportunities
  - ☞ Negotiate & Compromise
    - ☞ Reciprocity may not be immediate
    - ☞ Incremental approach
- ☞ Building Coalitions
  - ☞ Identify & Leverage Interests
  - ☞ Broadens the Larger View
- ☞ Establishing Political Outreach with Organized Networking
  - ☞ Build Capacity & Expand Reach
    - ☞ establishes trust & credibility
    - ☞ communicates the value you add




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## Legislative & Regulatory



### Decision Making: A Combined Approach

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## What is Needed to Broaden SOP Boundaries?



- ☞ Legislative Decision-Making
  - ☞ Promote better consumer care across professions and competent providers
  - ☞ The Macy Foundation & AARP Policy Briefs
  - ☞ Improve Access to Care
  - ☞ Recognize Overlapping SOPs
  - ☞ Need documentation & evidence that the public is protected with changes
- ☞ Regulation Considerations
  - ☞ Public protection & safety key
  - ☞ Regulate professional competence
  - ☞ Mechanisms for discipline & capacity to manage/modify SOP changes

Source: National Council of State Boards of Nursing. (2009). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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## Foundational Factors: Four Key Areas for Proposing Change



- œ Historical Basis
- œ Education & Training
- œ Evidence
- œ Regulatory Environment

Source: National Council of State Boards of Nursing. (2006). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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## Historical Basis



- œ Provides a framework for the essentials of the nursing profession including the:
  - œ Theoretical foundations of the profession;
  - œ Profession's evolution overtime;
  - œ Context of current practice and;
  - œ How it is presently defined

Source: National Council of State Boards of Nursing. (2006). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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## Education & Training



- œ Entry level training programs
  - œ How are they measured to skill as experience increases?
- œ Accrediting standards
  - œ What are they? Who develops them?
- œ Competence assessment
  - œ How is competence assured?

Source: National Council of State Boards of Nursing. (2006). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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Source: Cartoon © 2009 briannarelle.com Reprinted by permission of the author

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## Evidence



- ☞ Should rely upon promoting access to quality healthcare:
  - ☞ Does the evidence support this?
- ☞ Research and Evidence:
  - ☞ Benchmarking Data-Nurse Sensitive Outcomes
  - ☞ Comparative Effectiveness Research
  - ☞ Quality Improvement Data
    - ☞ Cost effectiveness
- ☞ Does this benefit public health?

Source: National Council of State Boards of Nursing. (2006). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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## Regulatory Environment



- ☞ Primary role of regulatory boards:
  - ☞ Consumer Protection and Public Safety
  - ☞ Need to be involved in the process & understand the issues
- ☞ Nurses need to understand
  - ☞ What their boards authority, capacity and oversight is to manage expanding SOP?
  - ☞ What has been previously done?
    - ☞ What is the previous legislative history?
  - ☞ What are the measures to assure competence?
    - ☞ Have they changed?

Source: National Council of State Boards of Nursing. (2006). Changes in health care profession's scope of practice: Legislative considerations. Retrieved from <https://www.ncsbn.org/ScopeofPractice.pdf>

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Legislative Strategies  
Influencing Health Policy

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The essence of strategy is choosing  
to perform activities differently  
than rivals do

Michael E. Porter, 1996

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Special Interest Groups &  
Lobbyists

Health Insurance Industry

Hospitals

Health Care Related PACs

Big Pharma

Consumer Advocacy  
Groups

Unions & Liberal Advocacy Groups

Drug & Device manufacturers



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## Factors & Assumptions



- ☞ Interest groups and strong lobbies can advance or block legislation
- ☞ Adversarial relationships
- ☞ Competition between health care disciplines over practice boundaries
- ☞ Expansive SOP proposals
- ☞ State statutes and regulations that grant APNs the right to practice through licensure, do not necessarily sanction their autonomy to perform as practitioners

Source: Cooper, Henderson, & Dietrich, 1998; DiCenso et al., 2007

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## Power in Strength and Numbers



- ☞ Meeting future & current health care needs requires substantive change
  - ☞ New delivery models (medical homes, ACO's); retail health
  - ☞ Team based approach within community health centers and organized health systems
- ☞ Nurses are largest group of health care providers (HCPs):
  - ☞ >3 million RNs
  - ☞ >250,527 APRNs: NPs (158,348) — 19,134 of NPs also had either CNS/CNM, CNMs(18,942), CRNAs (34,821), CNS (59, 242 — a 22.4% decrease from 2004 at 72,521) (HRSA, 2010)
- ☞ Expanding roles and capabilities
  - ☞ Utilize qualified HCPs to the fullest extent of their education & scope of practice
  - ☞ Increase access to affordable care
  - ☞ Improve quality, patient safety & outcomes

U.S. Department of Health and Human Services, Health Resources and Services Administration. (2010). The registered nurse population: Initial findings from the 2008 national sample survey of registered nurses. Washington, DC: Author. <http://hrsa.gov/healthcare/summary>

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## Political Advocacy



### Creating Action for Change

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## Coalitions & Partnerships



Group of individuals representing diverse organizations or constituencies who agree to work together to achieve common goals (Feighery & Rogers, 1990)



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## Building Relationships



- ☞ Increase Networks & Create Opportunities:
  - ☞ Participate on Advisory Groups
  - ☞ Task Forces
  - ☞ Strengthen Alliances
  - ☞ Develop Partnerships
  - ☞ Create Coalitions
- ☞ Maximizing Potential
  - ☞ Get involved!
    - ☞ Attract new members & grow more diverse
  - ☞ Link with non-traditional partners
  - ☞ Learn from others' experiences
  - ☞ Disseminate promising practices & strategies

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## Stakeholder Involvement



- ☞ Consumer Groups
  - ☞ Need to better communicate
  - ☞ Inform about issues, listen & develop alliances for support
- ☞ Action Coalitions (ACs)
  - ☞ States taking a lead role in implementation of IOM-FON
- ☞ Review & Know the Policy Process
  - ☞ What are the types of legislation affecting practice?
  - ☞ Understand the issues
  - ☞ Get to know your politicians and regulatory boards
    - ☞ Attend meetings, make visits, write letters
- ☞ Become advocates for the profession & take an active role
  - ☞ Support your professional nursing organization
  - ☞ Legislative & regulatory change takes funding (harsh reality of the landscape)

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Legislative Strategy  
∞  
In a Changing Political  
Landscape

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Broader Implications for Policy

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Scope of practice changes are among  
some of the most prevalent issues  
confronting state legislators and  
health care regulators



Federation of State Medical Boards Of the United States, Inc. (2005). Assessing scope of practice in health care delivery: Critical questions in assuring public access and safety. Retrieved from [http://www.fsmb.org/pdf/2005\\_gppd\\_scope\\_of\\_practice.pdf](http://www.fsmb.org/pdf/2005_gppd_scope_of_practice.pdf)

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## Policy Considerations



- ☞ Increased interest in legislative actions to expand/update SOP
- ☞ SOP changes should reflect the evolution of APNs abilities
- ☞ Need a rational and effective approach to make decisions
- ☞ Public's best interest/protection and ensure safety

Source: Source: NCSIN, n.d.

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## Strategic Planning



- ☞ Advocacy strategies & campaigns are crucial factors in the decisions about:
  - ☞ when to act, where to act, and how to act
- ☞ What is wanted?
  - ☞ What are the goals you are attempting to achieve?
    - ☞ Must consider:
      - ☞ The authority to make it happen? (i.e., Who is the intended target audience?)
      - ☞ What messages do authorities need to hear to motivate them to act?
      - ☞ Who are the most effective individuals or groups to deliver those messages?
    - ☞ How to target audiences to hear those messages? (American Cancer Society/ UICC Tobacco Control Strategy Planning Guide #3, 2006)

Source: American Cancer Society. (2006). Enacting Strong Smoke-Free Laws: The Advocate's Guide to Legislative Strategies. Retrieved from <http://www.strategyguides.globallink.org>

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## Actions to Influence Policy Outcomes

Lobbying Tactics



Lobbying Strategy

- ☞ Specific actions that an interest group can take to influence policy outcomes:
  - ☞ Mobilizing members
  - ☞ Writing press releases
  - ☞ Seeking elected officials endorsements to achieve influence
  - ☞ Monitoring public opinion
  - ☞ Building coalitions
  - ☞ Citizen contact
- ☞ A combination of various tactics that complement each other and provide the best chance for the group to achieve its goals:
  - ☞ *Inside lobbying* (direct work with legislators and elected officials)
  - ☞ *Outside lobbying* (media and grassroots activities to place external pressure on political leaders)

Source: Boehmke, F. J. (2005). Interest group lobbying strategies. In E. J. Boehmke, The indirect effect of direct legislation: How institutions shape interest group systems (pp. 123-124). Columbus, OH: Ohio State University Press.

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## Practical Implications



- ☞ To integrate evidence into policy nurses must consider the evidence:
  - ☞ within the context it will be used
  - ☞ the setting which policy is developed and implemented
  - ☞ the political, ideological, and economic factors (i.e., beliefs and values)
- ☞ Determine how and when evidence is used to influence decision-making capacity among policymakers

Source: Bowers, S., & Zwi, A. B. (2005, July). Pathways to "Evidence-Informed" policy and practice: A framework for action. PLoS Medicine, 2(7), 0600-0605. Retrieved from <http://www.plosmedicine.org>

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## Policy Development & Formulation



- ☞ Evidence informed decision-making is essential when addressing initiatives
- ☞ Relevant research published under the right political circumstances can advance policy issues to advance the policy agenda
- ☞ Specific strategies needed to influence the decision-making policy process



Source: Bowers, S., & Zwi, A. B. (2005, July). Pathways to "Evidence-Informed" policy and practice: A framework for action. PLoS Medicine, 2(7), 0600-0605. Retrieved from <http://www.plosmedicine.org>

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## Considerations



- ☞ Policy is shaped by how policy makers learn about health care issues
- ☞ Perceived benefits of change shape decisions
  - ☞ affected by timing, economic costs and politics of the day
- ☞ Understanding past policy failures and successes
  - ☞ provide direction in planning for future implementation

Source: Bowers, S., & Zwi, A. B. (2005, July). Pathways to "Evidence-Informed" policy and practice: A framework for action. PLoS Medicine, 2(7), 0600-0605. Retrieved from <http://www.plosmedicine.org>

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## Building Capacity, Extending Reach, Increasing Visibility



- ☞ Create opportunities for meaningful engagement that are:
  - ☞ Patient-centered
  - ☞ Student-centered
  - ☞ Community-centered
  - ☞ Consumer-centered
  - ☞ Stakeholder-centered
    - ☞ Legislature & Regulatory bodies
    - ☞ Professional Organizations
    - ☞ Health Systems & Insurance Groups
- ☞ Need to know:
  - ☞ How ideas are spread throughout systems
  - ☞ How decisions are made
  - ☞ How policy is developed
  - ☞ How to build capacity & effectively use evidence to shape & change practice (Dobbins, Ciliska, Cockerill, Bamsley, & DiCenso, 2002).

Source: Dobbins, M., Ciliska, D., Cockerill, R., Bamsley, J., & DiCenso, A. (2002, November 19). A framework for the dissemination and utilization of research for health policy and practice. *The Online Journal of Knowledge Synthesis for Nursing*, 9(7).

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☞ Be the change you want to see in the world

Mahatma Gandhi  
1869-1948




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## Conversation Circle




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