

**Legislative Chair Manual**

**2017**

**Introduction**

The AGD Legislative Chair

Thank you for agreeing to serve as a legislative chair for the Academy of General Dentistry (AGD). Your service to your constituent in this role is much appreciated. The number one goal of the 2012 strategic plan is advocating on behalf of AGD members. Your role in this effort is extremely valuable.

Thousands of bills are introduced in Congress each year, and thousands more at the state level, but only a relatively small number ever become law. As a result, elected officials rely heavily on grassroots advocates to help them decide which bills to support or oppose. That is why AGD legislative chairs are so important—they are integral to the achievement of the AGD’s legislative goals.

As the legislative chair, it is your duty to understand bills and regulations in your state that have an effect on dentistry, and to notify the AGD of these actions. To be effective, you must also create relationships with elected and appointed officials, including members of the state dental board. This handbook will help you with these duties.

As you complete your term as your constituent's legislative chair, feel free to contact AGD Headquarters if you have questions or need more information about anything in this handbook. The AGD Government Relations department (advocacy@agd.org) in Chicago can help answer questions and provide background materials on important issues.

The AGD’s policies are directed by the best interests of its general dentist members in balance with the views and needs of other areas of the profession. Before any AGD policy is developed and recommended to AGD’s House of Delegates (House), it is researched and discussed by the Legislative & Governmental Affairs (LGA) Council, a group of 10 active members (nine members and the Chair of the AGD’s Dental Practice Council serving as a consultant to LGA) that meets face-to-face twice each year and communicates electronically in the interim.

Remember, you are not alone as a legislative chair. Along with the AGD’s Government Relations staff, you can obtain expertise and guidance from the AGD’s LGA Council. Dealing in legislative matters is not an exact science. Perhaps you have heard the phrase, “Logic ends when you step through the doors of the Capitol building.” You have to remain diligent and steady. Sometimes you can see results in months, but other times it may take years—so do not give up. We can have an impact on those laws and regulations that impact the general dentistry profession by getting our members involved as grassroots advocates.

Thank you again for spending your time serving as an AGD legislative chair.

Sincerely,

Members of the Legislative & Governmental Affairs Council

AGD Government Relations staff

advocacy@agd.org

**Duties of the Legislative Chair**

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**CHAPTER 1**

One of your most important jobs as a legislative chair for the AGD is to be aware of legislation that affects dentistry. You must understand the legislative process, both at the federal and state level, and know the key issues affecting general dentistry. Finally, you must know how to find out what legislation is currently being considered.

Because a bill can take many months, or simply days to move through the legislative process, it is vitally important that AGD constituent legislative chairs 1) know the issues that affect dentistry, and their likelihood of being introduced as legislation; 2) know the bills that are being considered; and 3) know the legislative process.

**AGD KEY ISSUES**

Knowing the issues important to general dentistry will help you know what legislation may be introduced, or help you get important legislation introduced by legislators. The following are issues deemed important by the AGD Legislative and Governmental Affairs Council:

Insurance Midlevel providers (see Toolkit)

Access issues (see White Papers)

Fee-capping for non-covered services

Medicaid policies

Dental student debt

Dental Practice ownership issues, including corporate dentistry

Oral health literacy

**TRACK LEGISLATION ON YOUR OWN**

To increase your effectiveness in the political arena, you must be thoroughly comfortable and familiar with the legislative process. If you are unfamiliar with, or just need a refresher course on how a bill becomes a law, please review the AGD’s [Capitol Hill Basics](http://www.agd.org/advocacy/capitol-hill-basics.aspx) on our Advocacy website.

Generating Local Interest and Participation

To be an effective legislative chair, it is important for you to build interest and involve AGD members as active participants in the process. You should also involve representatives of other organizations with similar interests.

Getting members interested and involved is the key to success, and their participation is vital. It would be impossible to conduct a successful letter-writing campaign, for example, without the efforts of your members. But how do you get people involved? The first thing to do is to schedule a meeting. Invite your colleagues to a luncheon. Hold a strategy session. Once you have everyone assembled, tell them why a specific piece of legislation is important not only to the overall broader practice of the dental profession but to their individual practices as well. Personalizing the issue and its impact is more likely to persuade a member to become involved, which in turn prompts action and participation.

Then, communicate the benefits of presenting a unified voice. Give your members specific examples of what they can do to influence the outcome of specific pieces of legislation. The easier you make it for them, the more likely they are to participate. Using an action alert, set up either for a state or federal bill, advocacy can take less than five minutes! You can ensure your members’ continued participation by providing them with frequent updates and status reports. Be sure to let them know the impact of their involvement and be certain to recognize their activities.

**CHAPTER 2**

HOW TO INFLUENCE LEGISLATION

While a variety of factors may influence members of Congress when they are deciding what position to take on an issue, two principal concerns guide their decisions:

1. They want to make good public policy; and

2. They want to make decisions that will help them get re-elected.

As legislative chair, your contact with legislators responds to both of these goals. First, dentists provide essential health care services to our nation and ensuring that all Americans have access to quality oral health care is good public policy. Second, your member of Congress must answer to your views as his or her constituent. A legislator ignores the views of his or her voting constituents only at great peril to their re-election prospects.

There are many ways to contact and influence your elected officials, including writing letters, calling the office directly, meeting in person, organizing fundraisers, working on a campaign, and e-mailing.

How to Build Relationships with Your Legislators

Cultivating a relationship with your legislators and their staff members is fundamental to any successful grassroots lobbying effort. Letters, personal visits, and other communications are especially valuable when they come from constituents whom the legislator knows and trusts. There are several ways to build and nurture this relationship, but one of the most tried-and-true methods is to become involved in the campaign process. Politicians always remember the people who put them in office—especially those who were involved from the beginning. Being active in a political campaign will significantly improve your access to that legislator once he or she is in office. In addition, by campaigning for individuals who are sympathetic toward dentistry’s views, you help ensure that the legislators who are elected who will have a positive impact on the profession.

**Ways to become involved include:**

* Donating money to the campaign. Political candidates appreciate and acknowledge any contributions to their campaigns. If you decide to contribute to a federal campaign, you should consider giving at least $200. Federal law requires candidates to report contributions of $200 or more to the Federal Election Commission (FEC). By giving this amount, you ensure the politician will see your name more than once—not just when you first contribute. In addition, most politicians keep those FEC reports handy for future reference.
* Volunteering your time. Campaigns always need volunteers to help with making calls, putting up yard signs and other tasks. Volunteering for a campaign can be a good family activity, giving children insight into the political process and demonstrating the importance of being involved.
* Hosting fundraisers for the candidate. Fundraisers do not have to be elaborate. For example, you could host a fundraising breakfast for a small group in your home. If you decide to hold a fundraiser on behalf of a candidate, be sure to familiarize yourself with the applicable election laws first.

Visiting Your Legislators

Regardless of whether or not you supported your legislator, you should meet with him or her soon after the election. Personal visits help build a relationship. A courtesy call or email after the election to introduce yourself and offer your expertise as a resource on health care and small business issues (or whatever issues you feel knowledgeable about) is appropriate. Subsequent meetings should be scheduled when you have a specific issue to discuss.

One of the best ways to contact members of Congress is to visit them in person—either in Washington, D.C., or in their district office during congressional recesses. Personal contact is the most effective form of communication with legislators who want to hear from their constituents and are especially interested in how certain issues will affect voters in their districts and states.

The following tips will help ensure you have a successful meeting.

**Setting up the Appointment**

First, you must formally request a meeting with the legislator. Call the legislator’s office to inquire about their preferred method for receiving appointment requests.

YOUR MEETING REQUEST

When drafting your email/letter, be very clear about the meeting’s purpose and the issues or legislation you are interested in discussing. Also, be specific about dates and times, allowing for a window of a couple of hours when you can meet the legislator. Identify all individuals who might be attending. If the legislator is unable to meet with you, meet with the staff person handling your particular issues.

If you have not heard back from a legislator’s office after about a week, follow up with the scheduler in that office. Offices receive hundreds of requests each week, so some do get lost.

CONFIRM THE MEETING

Confirm the meeting a couple of days beforehand and provide some background information on the issue(s) you will be discussing. This ensures that the meeting will be more productive because the legislator and/or staffer will be able to prepare themselves before meeting with you. The AGD can provide you with much of this material.

Preparing for the Meeting

Below are some pointers to refer to when visiting a legislator’s office.

BE ORGANIZED

Rehearse beforehand and have a mental agenda. Your “pitch,” which should cover:

* Your position on the issue;
* Opposing arguments; and
* Why your position is better for the legislator’s constituents.

It is critical that you convey a good working knowledge of the issue and a thoughtful justification for your position. Personal anecdotes are most effective in bringing an issue down to the personal level.

COORDINATE SPEAKING ROLES FOR GROUP MEETINGS

If several people will be meeting with the legislator, be sure the group gathers before the appointed hour to coordinate notes. You want to be sure to have a unified message. You will also want to have one main speaker, with the others providing input on predetermined issues, interjecting only when appropriate.

RESEARCH

Learn as much as you can about the legislator before the meeting. Information about your legislator, including a link to his or her professional website, can be found on the AGD’s [Advocacy](http://www.agd.org/advocacy.aspx) webpages. Simply input your zip code in the search box to pull up a page of information on everyone who represents you. Additionally, the AGD’s Government Relations staff can provide your constituents with all the information they may need. Educate yourself on the legislator’s background, political philosophy, committee positions, and past support of AGD issues.

During the Meeting

TIME IS VALUABLE

Do not expect more than 15 minutes of legislator or staff time. Arrive on time and leave when your allotted time is up. Because of constantly changing schedules, always be flexible and willing to wait.

DO NOT BE AWED

Legislators are people just like you, often from a community not far from yours. Most of the time, they are “generalists” on issues and may shy away from specifics. They may not understand an issue and its implications as well as you do. Discuss the issues, but do not lecture or be defensive. Usually, the staff members, while also generalists, know more of the specifics, so make sure you talk with them as well.

INTRODUCE YOURSELF

Introduce yourself, say where you live, and list the issue(s) you want to discuss. Limit the maximum number of issues to three.

MAKE YOUR POINTS

After meeting the legislator, make a brief five-minute presentation of your position(s). Emphasize how the issue(s) affect you, your patients, your community, and your state. Use the AGD’s employment statistics for backup to show how many of the legislator’s constituents are employed in the dentistry profession. You can find these statistics by visiting <http://www.agd.org/advocacy/resources.aspx>. Use other relevant facts and research to support your views.

ASK FOR A COMMITMENT

Ask how the legislator stands on an issue or on specific aspects of a bill or issue. Don’t be afraid to politely press for specifics and what actions the legislator intends to take. Try to gain a commitment, and write down what the legislator and/or staff member says. If a commitment is made, repeat it at the end of the meeting (e.g., “I am glad you have agreed to co-sponsor HR 1234”).

LISTEN CAREFULLY

In addition to asking questions, listen carefully to the legislator’s viewpoint, even if you disagree. Be prepared to answer questions and conduct any follow-up if needed. If you do not know the answer to a certain question, don’t be afraid to say so, but promise to follow up with a response. Write down specific questions that you cannot answer or need more information on so that AGD Government Relations staff can also follow up with the legislator or staff.

ALWAYS BE TRUTHFUL

Never mislead a lawmaker or staff person—and never lie. If you are unable to answer a question, promise to get a response as soon as possible—don’t try to make an “educated guess.” If you provide misleading or inaccurate information to a congressional office even once, all of your subsequent communications will be considered suspect. Your credibility will be permanently damaged.

STAY ON THE TOPIC

Legislators typically are more interested in discussing events from their district than a specific bill. While a certain amount of conversation about the people and events back home can help build rapport, don’t let it go on too long. Regardless of what gets discussed, the lawmaker will have to leave after a certain period of time—usually about 15 minutes. Therefore, it is important that you politely but firmly direct the conversation to your issue.

YOUR BEST ARGUMENTS ARE YOUR OWN

Your legislator is most interested in your relationship to the issues. Support logic and facts with emotional commitment. Whenever possible, use arguments from your mutual home state. Also, try to offer positive alternative solutions rather than merely opposing the legislation.

LEAVE A ONE-PAGE FACT SHEET

If a fact sheet is more than one page, it will not be read. The fact sheet should offer a concise summary of the issue and your proposed solution. As always, relate the impact of the legislation to the legislator’s own district and constituents. Also, leave a copy of the employment statistics that the AGD has compiled for the congressional district and/or state of the legislator. Contact AGD Headquarters for copies, or print out statistics from the AGD’s website; this data is housed on the AGD resources page at <http://www.agd.org/advocacy/resources.aspx>.

TAKE A PICTURE

Ask the legislator and/or staff for a picture at the end of the meeting. Pictures can be used later for newsletters or AGD Impact articles.

INVITE THE LEGISLATOR

Before leaving, extend an invitation to the legislator to be a keynote speaker at one of your constituent events or to come visit your office to better understand the general dentist’s perspective.

After the Meeting

SEND A THANK-YOU NOTE

It is important to thank both the legislator and staff member(s). A letter following a visit can reinforce areas of agreement, provide additional information, and refute opposing views, thereby helping persuade the legislator to adopt a favorable position. Please provide a copy of the letter to the AGD’s Government Relations staff by e-mailing it to advocacy@agd.org.

KEEP THE AGD INFORMED

It is very important to keep the AGD Headquarters office appraised of any meetings held with legislators and what responses AGD advocates received. Send an email to advocacy@agd.org to provide feedback and any follow-up needed by AGD staff. Include photo attachments and information on how you have publicized this meeting to your constituent members.

MAINTAIN CONTACT

Maintain contact with the official as the issue progresses. Continue to provide feedback to the staff member to remind him or her of your ongoing interest in the issue.

Congressional Staff

Congressional staff members are extremely influential with the legislator and many times can sway him or her one way or the other. They are an indispensable resource to the AGD advocate. They can help you find information on an issue, give you insights on the legislator’s position, provide invaluable advice on the strengths and weaknesses of your arguments, and alert you to your opposition on a particular issue. Circumventing congressional staff is always counterproductive—so remember to thank them and keep in touch.

Legislative staff usually are assigned a few issues in which they are expected to become experts. As a result, while legislators tend to be generalists since they must cover so many topics, staff members are more likely to have an in-depth understanding of a subject. This can foster a more substantive discussion about the particulars of a bill. If you are adequately prepared, you should be able to take great advantage of a meeting with a particular staff member.

Legislators must delegate the task of doing detailed research on each bill to their staff members. Staff responsibilities include keeping the legislators briefed on the issues, writing the actual bill amendments, and staying aware of the concerns of interested organizations. These individuals are sometimes referred to as “unelected representatives.”

You can help advance legislation you favor by providing staff with reports, economic data, and opinion surveys that support your position. They especially appreciate any third-party “objective” verification of claims, such as information from think tanks or news services.

**SAMPLE MEETING REQUEST LETTER/EMAIL**

[Fill in the bold sections]

[DATE]

THE HONORABLE [JANE DOE]

U.S. House of Representatives/United States Senate

Washington, D.C. 20515/20510 (or district office address)

(FAX: 202.XXX.XXXX)

DEAR REPRESENTATIVE/SENATOR [DOE]:

As a general dentist and constituent of yours, I am requesting the opportunity to meet with you to discuss [ISSUE YOU WANT TO DISCUSS].

I will be in Washington, D.C./near the district office on [DATE] between [TIMES]. Anytime within those hours that you can meet would be most appreciated. Along with me, the following constituents will also be attending: [Mr. Joe Smith, who lives in Pomona].

[ELABORATE ON THE ISSUE AND HOW IT IMPACTS YOU AS A GENERAL DENTIST. AGD’S Government Relations STAFF CAN PROVIDE SOME LANGUAGE]. This issue not only impacts us; Approximately [XX] of your constituents are employed in the dentistry profession [The AGD CAN PROVIDE THIS INFORMATION AND ONE-PAGE SHEET] and all are [negatively/positively] impacted by this bill.

Thank you in advance for your consideration. If you have any questions at all, do not hesitate to contact me directly at XXX.XXX.XXXX.

Sincerely,

[YOUR NAME]

Telephone Calls

Telephone calls have the benefit of immediacy. While the need to be brief works against providing much supporting information, telephone calls are most effective when time is short. Here are some tips for making an effective telephone call to a congressional office:

* Remember that telephone calls are often taken by a staff member, not the legislator. Ask to speak with the aide who handles the issue in which you are interested.
* Identify yourself and state the issue you are calling about. Provide the bill number if possible.
* Leave a brief message for the legislator, such as “Please tell [legislator] that I called to oppose [bill number], the health care regulation bill, because it would have serious economic disadvantages and could result in decreased access to care.”
* Ask for the legislator’s position on the issue. You may also request a written response to your telephone call.
* Follow up the telephone call with a letter or email reiterating the discussion points.

Telephone calls are also useful for following up on previous communications. Remember: Do not assume a single communication will do the job of getting the legislator’s vote.

Writing Letters

Although meeting one-on-one with your representative or donating time or money to a legislator’s campaign are the most valuable kinds of contact, letters are also productive and important. A personal letter from a constituent can help sway a legislator one way or the other.

The AGD will send out action alerts on important issues that the organization is working on nationally. These action alerts will be online on the AGD’s Advocacy website, the AGD’s grassroots advocacy website. Check the Advocacy site often as it is constantly changing. Letters in response to an action alert are prewritten; however, dentists are encouraged to add their personal language to each email sent when available.

You may also wish to send your own letter or email. Members of Congress use forms on their websites for constituent contact. State legislators often include their email addresses on their state contact page. If you are writing a letter on your own, here are some pointers:

GET TO THE POINT IN THE FIRST PARAGRAPH

State your reason for writing. If your letter pertains to a specific piece of legislation, identify it accordingly, e.g., House resolution: HR\_\_\_, Senate bill: S\_\_\_.

BE DIRECT, CLEAR, AND FACTUAL—USE YOUR OWN WORDS

One thoughtful, factual, well-reasoned letter can carry a lot of weight. Be courteous and to the point and include key information, using examples to support your position. Anecdotes relevant to your legislator’s home district make the best examples. For instance, explain how the issue would affect you, your family, business, patients, profession, community, or state. If you have specialized knowledge, share it with your legislator. Concrete, expert arguments for or against the bill can be used by the legislator as he or she debates the bill in Congress.

COVER ONLY ONE ISSUE PER LETTER, AND TRY TO KEEP IT TO ONE PAGE

Keep your comments short and to the point, covering only one issue per letter. Before you begin writing, outline your purpose for writing. Stick to points that support this purpose and get rid of everything else. Ideally, keep your letter to one page, certainly no longer than two pages. Conclude your letter with what you think the legislator’s next move should be. Often, the last sentence will be a reiteration of your opening paragraph.

Time the arrival of your letter. Try to write your legislator while a bill is still in committee and there is still time to take effective action. Sometimes a helpful, informative letter arrives after a bill is out of committee—or even after its passage. Such a letter could have made a difference.

Determine your priority concerns and contact your legislators on those specific issues, rather than on every issue. The “pen pal” who writes every few days on every conceivable subject tends to become a nuisance rather than an effective voice of concern.

Remember, on any one issue, even a few letters to one legislator can have an important impact. Sometimes just one letter from a new perspective with clear-cut, persuasive arguments can be the decisive factor in a legislator’s action.

Strategic Points in the Legislative Process: When to Contact Congress

To have an impact on legislation, you will need to communicate with lawmakers more than once as a bill moves through the legislative process. While the AGD’s Government Relations staff, Washington lobbyist firm, and LGA members will provide you with all the strategic materials you need on important legislative issues at the federal level, you might want to conduct your own lobbying campaign at the state level. There are several points during legislative deliberations when grassroots advocacy is most effective.

DRAFTING OF A BILL

Working with legislators and key staff members before a bill is introduced is the best time to successfully impact legislation. By providing credible information and making well-argued suggestions for sound public policy, you can become an important resource for your legislators. Legislation usually is drafted by staff, so be sure to work closely with them.

DURING SUBCOMMITTEE AND FULL COMMITTEE DELIBERATIONS

Ushering legislation through the legislature is more difficult than preventing passage, which can be accomplished by a single subcommittee blockage or a crippling amendment. On the other hand, approval of a measure by a congressional panel frequently ensures approval by the full chamber. Therefore, one of the best times to contact your legislators is when the bill you are interested in is at the committee and subcommittee levels. Arrange to meet or speak with committee staff and members of the committee so you can present your views to them. The sooner you contact them, the more time they will have to consider your concerns and suggestions. You can also volunteer to testify before the committee to submit pertinent information.

AT FLOOR ACTION

While it is best to address any concerns you may have with a bill proactively during committee consideration, sometimes controversial issues must be resolved on the floor (i.e., when it is being considered by the full House or Senate). At this stage in the legislative process, contacting the House and Senate party leaders (majority and minority leaders, whips, etc.) can be very effective.

WHILE CONFERENCE/COMMITTEE NEGOTIATIONS PROCEED

You can take advantage of the political considerations that often dominate these negotiations to shape a bill’s final form in the best interests of the dental profession. You will need to find out which legislators are on the conference committee and lobby them directly. Other strategies smart lobbyists follow include:

Establishing liaisons with other individuals or groups that share your position. Maintain a good relationship with your state dental association and its political action committee (PAC). Also, keep in contact with organizations that share some or all of the same goals as the AGD. The involvement of patients and business organizations will demonstrate broad-based support for your position.

Reporting on issues of importance to you through local publications. Use your state dental publications to educate other members about the issue and about your constituent’s effort to influence the process. Your goal should be to inform a broad range of people. If information about a bill or legislator is published, be sure to provide a copy of the article to the relevant congressional office.

CHAPTER 3

Working within Organized Dentistry on Legislative Issues

This chapter discusses ideas on how to work within organized dentistry, how to work within the structures of the state dental association, and how to build a coalition. While much of the basic information is similar, each area has some unique characteristics and recommendations. In any case, it is important to remember three important points:

1. In general, you should avoid speaking on behalf of the AGD;
2. Do not use your position and contacts to further a personal interest—you must seek to do what is best for the majority of general dentists; and
3. Always be willing to negotiate. This characteristic will go a long way in earning you the respect and cooperation of your peers. However, please remember that each constituent has a signed affiliation agreement with AGD, which requires, among other things, compliance with AGD HOD policy.

Working within Organized Dentistry

The purpose of working within organized dentistry is to present a single unified voice and to resolve mutual problems through dialogue and coordinated action. It is important to realize that general dentists comprise approximately 80 percent of the profession and have consciously worked to build a strong and unified voice. As a result, we have an outstanding opportunity to increase the level of our effectiveness in influencing legislative and regulatory issues that impact the profession. Before we can do that, however, we must first build our level of representation within organized dentistry.

The AGD continues to share information with the American Dental Association (ADA) and maintain a political agenda which is similar to that of the ADA. It is important to keep the lines of communication open with the ADA since their resources far outreach those of the AGD, at both the national and constituent levels. We have made the extra effort to keep those lines of communication open because we understand that only through joint action will organized dentistry gain strength. In fact, many AGD constituents work harmoniously and enthusiastically with their ADA counterparts in legislative areas. Over the past several years, the leaders of both associations have met and shared their commitment to the ideal that the dental profession continues to present one unified voice, especially in regards to national legislative and regulatory issues. Furthermore, a cooperative relationship exists between the ADA’s Washington office staff and the AGD’s Washington lobbyist firm.

On the constituent level, it is vital to maintain a cooperative relationship with the ADA constituency because the unified approach to monitoring and influencing relevant legislation offers greater impact and better results than an uncoordinated or conflicting approach.

Working Within the State Dental Association

AGD leaders must be active within component and constituent dental societies. The best way to work within the state dental association is to volunteer and get the job done. We recommend that you, as legislative chair, join the state dental association’s Legislation Council. Once you accomplish your goals, you can move up and assume leadership positions within the state dental association.

As a result of these relationships, many constituent legislative chairs engage in several informative and networking-type activities such as a Legislative Day or Hospitality Room, usually held at the state capital during the legislative session. These events allow members of organized dentistry from across the state the opportunity to personally speak with their representatives. It also gives constituent associations and academies the opportunity to present the profession’s viewpoint on specific legislation in a unified manner.

Before attending any meetings, make certain you read AGD material in order to be alert to legislative issues and to understand their implications. Be aware of how various types of legislation can adversely or positively affect general practitioners.

Participate in and contribute to the dialogue taking place on various issues. Help develop strategies that are set in time frames and make certain to outline all the steps you must take in order to achieve the desired goal. Remember to share the results of these sessions and strategies with AGD Headquarters, which can assist other constituents experiencing similar situations.

For more information about working with your state dental association, the AGD has created a separate primer on this topic, which is available on the Constituent Services website. Click on “Primer on Collaboration between ADA and AGD Constituents.”

Building Coalitions

Coalitions are generally formed around a single issue, such as federal spending for health programs or civil justice reform. They are comprised of national allies from a variety of interest groups. Groups do not join forces because of an affinity for each other, but because together, they can speak with greater impact.

Coalition building is the most effective way to exert influence on state legislatures and on Congress. In this era of budgetary restraint, the lone-wolf pressure group is largely a thing of the past. Coalitions are effective in reaching lawmakers because they reflect a broad base of support for a position on an issue. Members of coalitions improve their chances of reaching their legislative goals by overcoming obstacles. They can also pool the resources—money, experience, manpower, information, and influence—available through their diverse memberships. At the same time, legislators are more comfortable working with coalitions rather than special-interest groups because coalitions appear safer politically.

**How to build an effective coalition:**

* Establish a legislative goal.
* Identify groups that share your interests and ask for their participation. Do not overlook other health groups, trade associations, corporations, consumer groups, and labor unions.
* Decide on a balanced way to lead the coalition (for example, one group should not be dominant).
* Meet regularly to exchange information, refine strategies, and coordinate action.
* Develop data, statistics, and position papers to support your position. Check with the AGD for the appropriate data and materials.
* Assign coalition members specific tasks. Divide the labor and expenses evenly or according to each group’s size and ability to pay.
* Negotiate between coalition members to resolves disputes. Make sure all members are working toward a common goal. Defuse competing interests before going to the legislature or meeting with your legislator.
* When the coalition visits legislators, choose two or three representatives who reflect the broad-based support for your position. For example, your visitation group may include a representative from the American Red Cross, a day-care center operator, and a city mayor.
* After the coalition has met its goal, disband it or put it on the back burner.

Building a coalition should not be limited to working within organized dentistry; additional resources can include:

* Other members of the medical community
* Suppliers
* Patients
* Consumer groups
* Taxpayer groups and associations
* Business
* Insurance companies, agents, and brokers
* Local government officials
* News media

Whenever possible, use the local news media to gather strength for your position. Coordinating activities through the state’s dental association allows you to get to know your local news contacts, be a source of information for them, and educate them about the general dentist’s perspective. Use all avenues presented by the media to your advantage; for instance, write letters to the editor (frequently called an op-ed, or an opposite editorial), make public service announcements (PSA), or appear as a guest on a local radio or talk show.

CHAPTER 4

Regulatory Issues

It is just as important to monitor regulatory agencies as it is to monitor state and federal legislative bodies. Monitoring and influencing regulatory activity demands great vigilance since few regulatory issues are publicized in the general media before they go into effect. Being aware of regulatory actions is crucial; as every dentist knows, regulatory initiatives can be every bit as sweeping as legislative actions, affecting every aspect of a dental practice. The AGD’s Washington lobbyist firm reviews the Federal Register and reports important federal regulatory developments to the AGD. When necessary, the AGD will submit comments to proposed rules and regulations and will provide these comments to legislative chairs should they want to submit their own comments.

Many people believe that once a new law has been enacted, the “war” is over. Untrue—battles over interpretation and enforcement can go on for years. The legislature is simply the first stop on a lengthy journey. Therefore, it is crucial for the dental profession to participate in the rulemaking process to the fullest extent possible, since that is the only way to ensure that regulations are beneficial for dentists and their patients—or, at least, to ensure that their adverse impact is minimal.

In general, the outcome of regulatory actions can be influenced by using many of the same lobbying techniques that are used to influence the legislative process, including writing letters and meeting with the individuals who craft policy.

The Regulatory Process

When Congress or state legislatures enact a law that affects an area subject to regulation, such as health insurance, the agency responsible for overseeing that subject matter develops rules to implement the new law. Typically, legislators will write a law setting forth general principles and standards and will empower the agency to work out the details of how the law will be applied and how to enforce it. The agency will determine the specifics through regulations.

While Congress and the state legislatures are the most common sources of new regulations, agencies may issue regulations in other situations as well. They may issue regulations at the direction of the executive administration (e.g., the president, governor, mayor) or in response to a problem they have identified. In addition, interest groups often will suggest potential areas for regulation. For example, labor union groups may lobby for new and stricter workplace safety and health laws.

The regulatory process is strictly defined by law. Agencies may not stray from the requirements of the statutory language. The specific procedure an agency must follow when issuing regulations varies between local, state, and federal agencies. In some cases, it even varies between agencies within the same level of government. One constant, however, is the opportunity for public comment.

Essentially every level of government follows these basic steps in the regulatory process:

1. A notice of proposed rulemaking must be published in the Federal Register that includes a statement of the time, place, and nature of the public rulemaking proceedings; a reference to the legal authority under which the rule is proposed; and either the terms or description of the subjects and issues to be addressed by the proposed rule.
2. Interested persons must be given an opportunity to submit written data, views, or arguments on the proposal, with or without opportunity for oral presentation. A deadline by which comments must be submitted is usually part of the notice of proposed rulemaking. These comments must be in writing, but the agency also may hold public hearings at its discretion.
3. After the comment period, the agency decides what, if any, changes it wants to make to the proposal based on the submitted comments and then promulgates (adopts and publishes) it as a final regulation.

A concise general statement of the basis and purpose must accompany the final rule. Subject to certain exceptions, publication of the final rule must take place not less than 30 days before its effective date.

In some situations, another body must approve or ratify the regulation before it can take effect—either a separate administrative agency or an arm of the legislature. At the federal level, the Office of Information and Regulatory Affairs (OIRA), in the Office of Management and Budget, is the last stop for most major regulations. Under law, an agency may issue a “significant” regulatory action only after receiving notification from OIRA that it has concluded its review. OIRA has the authority to return a rule to an agency for reconsideration “if the quality of the agency’s analyses is inadequate, if the regulatory standards adopted are not justified by the analyses, if the rule is not consistent with the president’s policies and priorities, or if the rule is not compatible with other Executive orders or statutes.”

Small Business Considerations

Congress has placed additional requirements on certain federal agencies in an effort to ease the regulatory burden on small businesses. As a result, small businesses have more opportunity than ever before to have meaningful input into the rulemaking process.

Specifically, the Regulatory Flexibility Act (RFA), first enacted in 1980, offers small businesses, working with federal regulators, a unique opportunity to root out some of the institutional biases that work against the small entrepreneur. The law recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a federal regulation.

For example, the costs of complying with a particular regulation “measured in staff time, direct compliance costs, recordkeeping, outside expertise and other costs” may be manageable for a business with 500 or more employees. A smaller company, however, may not have the ability to absorb the expenses as easily, to set competitive prices, to devise innovations, or even to continue as a viable entity.

The RFA sought to address this by requiring federal agencies to analyze how their regulations affect the ability of small entities to invent, produce, and compete. Regulated small entities are encouraged to participate in the development and consideration of alternate means of achieving regulatory objectives. Agencies are supposed to balance the burdens imposed by regulations against their benefits and propose alternatives to those regulations that create economic disparities between different sized entities. For example, they must consider establishing different compliance or reporting requirements, timetables, or exemptions to take into account the resources available to small entities.

In 1996, Congress passed the Small Business Regulatory Enforcement Fairness Act (SBREFA), which gave teeth to the RFA. Previously, there was no way to ensure agency compliance with the requirements of the RFA. SBREFA gave small businesses the tools to force covered federal agencies to comply not only with the RFA, but also with new requirements added under SBREFA. Under SBREFA, whenever a small business believes it is adversely affected or aggrieved by agency rulemaking because of the agency’s failure to comply with the RFA, the small business may seek review of the rule in court. The court may review the final regulatory flexibility analysis, the agency’s certification that the rule has no impact on small entities, and the agency’s compliance with periodic reviews of current rules.

The law also included provisions: giving the small business community greater participation in the rulemaking process; allowing small businesses to recover attorneys’ fees and costs in certain civil and administrative actions between businesses and federal agencies; requiring federal agencies to give Congress reports on all new proposed regulations so that Congress can decide whether they should become law; updating the requirements for a final regulatory flexibility analysis; and expanding small business review of rulemaking by OSHA and the Environmental Protection Agency (EPA).

Here are some other provisions:

* *Compliance Assistance.* Under the law, agencies must prepare “plain English” compliance guidelines that spell out how small businesses can comply with federal regulations. They also must provide small businesses with informal advice on regulatory compliance.
* *Penalty Reductions and Waivers.* The law requires federal agencies to establish policies allowing for penalty reductions—and, in some cases, a waiver of all fines—for small businesses that are trying in good faith to comply with regulations.
* *Defense against Aggressive Regulators.* The law amends the Equal Access to Justice Act, provides for a complaint process whereby small entities may register complaints against aggressive enforcement officials, and requires agencies to supply compliance guides for all-new rules with significant small business impacts.

Influencing Regulations

Even the most well-intentioned regulation may have hidden costs and unintended consequences that could negatively affect your patients or your practice. Your goal should be to help regulators, legislators, and the public understand these consequences and the tradeoffs presented by regulations—particularly as they relate to the dental profession. Victory often consists of simply changing the wording of a provision in the regulation or modifying a definition. In other words, those modifications to the regulatory language can have a significant impact on the cost of complying with the regulation. As when writing about or discussing legislation, it is critical to have the facts that will support your position when you are trying to influence the outcome of a regulatory proposal. It is also helpful to know what the opposition is saying so you can counter their arguments.

When Your Input is Most Critical

While many of the strategies for influencing regulations are similar to those for influencing legislation, there are some important differences. For example, when a bill is introduced in a legislative body, at least 75 percent of the action lies ahead. But when a proposed rule or regulation is issued for public comment, 75 percent of the action already has taken place; however, one still has the ability to influence it.

The most effective time to affect a regulatory proposal generally is before it has been released for public comment. It is in these early stages that the best chance is found to shape, and sometimes kill, proposed regulations. The only way to get an inside track on regulations under development is to be in contact with the right agency staff. Just as you work to develop relationships with members of Congress and their staff, you should work to develop relationships with key regulatory officials. This will allow you to anticipate proposed regulations—and to influence the proposal while it is still being written.

As a first step to developing these relationships, you will need to find out who the key players are in whatever agency you are monitoring. You can get this information by calling the agency’s personnel office and asking for the name, title, and telephone number of the key contact person on your issue. Sometimes it takes a little digging to get to the right person, but it is worth it.

Responding to Proposed Regulations

For proposed regulations, the first line of defense is to provide all possible relevant scientific, technical, and economic input. When, despite these efforts, a final rule is issued that is overbroad, too costly, technically infeasible, or inconsistent with sound science or statutory mandates, all available options for a challenge can and should be considered.

Here are some specific strategies you can follow as you seek to influence the regulatory process:

* *Inform the agency.* It is important to participate in the regulatory process to the fullest extent possible. This means submitting written comments and, when public hearings are held, providing oral testimony. The notice of proposed rulemaking will identify the person within the agency to whom your comments should be sent. You may also wish to discuss the proposed regulation with the small business liaison or ombudsman, if one is available, at the agency responsible for the proposed rule. Your comments should include as much documentation as possible—as well as an estimate of the economic impact of the proposal.
* *Talk with other small business owners and trade associations.* It can be valuable to discuss the impact of proposed regulations with other small business owners or relevant affected entities and/or with their trade or professional associations. Small business groups, like the AGD, have limited resources. By coordinating efforts with other groups, you can oftentimes have a bigger impact on a proposed rule. In addition, should you choose to organize a formal coalition in response to a regulatory proposal, you will be able to ensure that a consistent message is being sent to the regulatory agency.
* *Communicate with legislators.* Legislators can be valuable allies on regulatory matters. The legislature has oversight authority over agencies. In addition, legislatures control regulatory agencies’ purse strings through the budget process. As a result, agencies usually heed the chairman or other influential member of the committee that oversees it and controls its budget. Therefore, you may want to inform your representatives and members of key committees of your opinion on an important regulatory proposal by scheduling a visit or sending them a letter outlining your position and the information that supports it.

**STATE DENTAL BOARDS**

The [AGD’s Advocacy website](http://www.agd.org/advocacy.aspx) has the contact information for each state’s dental board. The primary role of each state dental board is that of a regulatory authority protecting the public and overseeing the licensure of dental health professionals. AGD’s State Dental Board Coordinator will send out weekly emails to constituent leaders about upcoming dental board meetings. AGD constituent legislative chairs are strongly encouraged to attend meetings of their state dental board. If you are unable to attend, please work with your constituent to ensure that the AGD is represented at these meetings. Building a relationship with the state dental board is a benefit to your constituent and the AGD for several reasons, including an enhanced knowledge of what takes place at such meetings (not everything is captured in minutes or known by reading a suggested regulation change), building relationships and rapport between the AGD and state dental boards, and an opportunity for the AGD to have its finger on the pulse of any possible issues that might arise, even before a proposed rule change is drafted. This last point could be crucial for those states with dental boards who are working to accommodate pilot projects for independent mid-level providers.

Monitoring Federal Regulations

Although the AGD will keep you apprised of all important proposed and final rulemakings, you can also access the Federal Register on your own. Free access to the Federal Register, information about public laws, the code of federal regulations, and many other important government documents are available on the Internet at: [www.gpoaccess.gov](file:///D%3A%5CUsers%5Cjenniferp%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CLIWHJV3L%5Cwww.gpoaccess.gov).

Agency websites also can be accessed via the official website of the U.S. government, at: <http://www.usa.gov>. This site provides information on the federal executive, legislative, and judicial branches; state and local governments; and specific topics such as “health” and “taxes.”

State and Local Government and Politics

Most of the state legislative information that you will need can be found on the [AGD Advocacy website](http://www.agd.org/advocacy.aspx). However, the following additional websites provide excellent state and local government information.

*[www.ncsl.org](http://www.ncsl.org/)*

This website provides information on state actions related to oral health, including access to oral health care initiatives, Medicaid and the State Children’s Health Insurance Program, and state legislation.

[*www.alec.org*](http://www.alec.org)

In early 2013, the AGD officially became a member of ALEC and secured a seat on its Health and Human Services (HHS) Task Force. The HHS Task Force promotes free-market, pro-patient health care reforms at the state level.

[*http://www.agd.org/advocacy/state-dental-boards.aspx*](http://www.agd.org/advocacy/state-dental-boards.aspx)

This website provides a directory of the 53 United States state dental boards.

CHAPTER 5

Resource Staff and Materials

Resource Staff

The following individuals are available to you throughout your tenure as your constituent’s legislative chair.

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Resource Materials

The following resources will be available to you throughout your tenure as your constituent’s legislative chair:

* Issues of AGD in Action, a weekly e-newsletter with an advocacy section prepared by AGD staff with federal information supplied by the AGD’s Washington lobbyist firm. This newsletter highlights federal and state legislative and regulatory issues and developments of interest and importance to the profession.
* Updates to the manual and other materials through mailings as warranted.
* Annual advocacy webinars.
* Staff assistance and resources are available through the AGD Headquarters office.

**PHONE NUMBERS FOR STATE LEGISLATURES**

Your state legislature can be a valuable resource when lobbying or researching a bill. Below is a listing of the main switchboard numbers for state legislatures and a listing of the constituent dental societies.

ALABAMA

334.242.7600 (House)

334.242.7800 (Senate)

ALASKA

907.465.4648

ARIZONA

602.926.4221 (House)

602.926.3559 (Senate)

ARKANSAS

501.682.7771 (House)

501.682.2903 (Senate)

CALIFORNIA

916.319.2856 (Assembly)

916.445.2323 (Senate)

COLORADO

303.866.3055

CONNECTICUT

860.240.0400 (House)

860.240.0500 (Senate)

DELAWARE

302.577.8476 (House)

302.577.8744 (Senate)

FLORIDA

850.717.5650 (House)

904.488.4371 (Senate)

GEORGIA

404.656.5015 (House)

404.656.5040 (Senate)

HAWAII

808.586.6400 (House)

800.586.6720 (Senate)

IDAHO

208.332.1000

ILLINOIS

217.782.5799 (House)

217.782.9778 (Senate)

INDIANA

317.232.9600 (House)

317.232.9400 (Senate)

IOWA

515.281.3221 (House)

515.281.3371 (Senate)

KANSAS

785.296.7633 (House)

785.296.2456 (Senate)

KENTUCKY

502.564.8100

LOUISIANA

225.342.6945 (House)

225.342.2040 (Senate)

MAINE

207.287.1400 (House)

207.287.1540 (Senate)

MARYLAND

410.841.3000

MASSACHUSETTS

617.722.2356 (House)

617.722.1276 (Senate)

MICHIGAN

517.373.0135 (House)

517.373.2400 (Senate)

MINNESOTA

651.296.2146 (House)

651.296.0504 (Senate)

MISSISSIPPI

601.359.3360 (House)

601.359.3229 (Senate)

MISSOURI

573.751.4017 (House)

573.751.2966 (Senate)

MONTANA

406.444.4800

NEBRASKA

402.471.2788

NEVADA

775.684.6827

NEW HAMPSHIRE

603.271.2548 (House)

603.271.2111 (Senate)

NEW JERSEY

609.847.3115 (Assembly)

609.292.6828 (Senate)

NEW MEXICO

505.986.4751 (House)

505.986.4714 (Senate)

NEW YORK

518.455.4218 (House)

518.455.2051 (Senate)

NORTH CAROLINA

919.733.7928

NORTH DAKOTA

701.328.2916

OHIO

614.466.8842

OKLAHOMA

405.521.2711

OREGON

503.986.1187 (House)

503.986.1851 (Senate)

PENNSYLVANIA

717.787.2372 (House)

717.787.7163 (Senate)

RHODE ISLAND

401.277.2390

SOUTH CAROLINA

803.734.2056 (House)

803.212.6700 (Senate)

SOUTH DAKOTA

605.773.3251

TENNESSEE

615.741.2901 (House)

615.741.2730 (Senate)

TEXAS

512.463.1100 (House)

512.463.0100 (Senate)

UTAH

801.538.1029 (House)

801.538.1035 (Senate)

VERMONT

802.828.2231

VIRGINIA

804.698.1500 (House)

804.698.7400 (Senate)

WASHINGTON

360.786.7573

800.562.6000 (Hotline)

WEST VIRGINIA

304.340.3210 (House)

304.357.7800 (Senate)

WISCONSIN

608.266.1501 (Assembly)

608.266.2517 (Senate)

WYOMING

307.777.7881

**STATE DENTAL ASSOCIATION CONTACTS, TELEPHONE NUMBERS, AND ADDRESSES**

Listed below are the contact names, telephone numbers, and addresses for each state dental association.

ALABAMA DENTAL ASSOCIATION

836 Washington Ave.

Montgomery, AL 36104

334.265.1684 (Office)

334.262.6218 (Fax)

studstill@aldaonline.org[aldaonline.org](file:///%5C%5Cse5000%5CAdvocacy%5CState%20Advocacy%20Training%20Conferences%5C2015%5CParticipant%20Packets%5Caldaonline.org)

ALASKA DENTAL SOCIETY

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907.563.3003 (Office)

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info@akdental.org

[akdental.org](file:///%5C%5Cse5000%5CAdvocacy%5CState%20Advocacy%20Training%20Conferences%5C2015%5CParticipant%20Packets%5Cakdental.org)

ARIZONA DENTAL ASSOCIATION

3193 N Drinkwater Blvd

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[azda.org](file:///%5C%5Cse5000%5CAdvocacy%5CState%20Advocacy%20Training%20Conferences%5C2015%5CParticipant%20Packets%5Cazda.org)

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CALIFORNIA DENTAL ASSOCIATION

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916.443.0505 (Office)

916.443.2943 (Fax)

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[www.cda.org](file:///%5C%5Cse5000%5CAdvocacy%5CLeg.%20Chair%20Web%20tools%5CLeg.%20Chairs%20tools%5Cwww.cda.org)

COLORADO DENTAL ASSOCIATION

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CONNECTICUT STATE DENTAL ASSOCIATION

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FLORIDA DENTAL ASSOCIATION

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[www.ladental.org](file:///%5C%5Cse5000%5CAdvocacy%5CLeg.%20Chair%20Web%20tools%5CLeg.%20Chairs%20tools%5Cwww.ladental.org)

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[www.msda.com](file:///%5C%5Cse5000%5CAdvocacy%5CLeg.%20Chair%20Web%20tools%5CLeg.%20Chairs%20tools%5Cwww.msda.com)

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Finding Health Information on the Internet

The Internet offers a vast array of health information. Wading through these sites to find relevant and accurate information can be frustrating and time consuming—but it does not have to be. The U.S. Department of Health and Human Services (HHS) ([www.hhs.gov](file:///D%3A%5CUsers%5Cjenniferp%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CLIWHJV3L%5Cwww.hhs.gov)) has more than 60 websites, providing a reliable source of current information. HHS documents on the Web include information on health and social issues; access to HHS services, including interactive sites; research-related data that is produced or supported by HHS agencies; as well as links to other information from sources that have been found reliable by HHS experts. Major HHS information websites include:

Healthfinder.gov—A gateway site to help consumers find health and human services information quickly. Healthfinder.gov includes links to more than 1,250 websites, including more than 250 federal sites and 1,000 state, local, nonprofit, university, and other consumer health resources. Topics are organized in a subject index. [www.healthfinder.gov](http://www.healthfinder.gov)

National Institutes of Health (NIH) information page—Provides a single access point to the consumer health information resources of the NIH, including the NIH Health Information Index, NIH publications and clearinghouses, and the Combined Health Information database. [www.nih.gov/health](http://www.nih.gov/health)

Dental information—NIDCR, which is part of NIH, has its own website. The site includes patient-oriented information, publications, and information about NIDCR research projects and programs. [www.nidcr.nih.gov](http://www.nidcr.nih.gov)

More dental information—The National Institute of Allergy and Infectious Diseases (NIAID) is one of the 27 institutes and centers of the NIH. The NIAID’s The Jordan Report: Accelerated Development of Vaccines 2007 provides information on the state of vaccine research and development. General dentists who risk exposure to blood or other potentially infectious materials should be aware of available vaccines because of the potential of exposure to diseases carried by patients, including blood-borne diseases such as HIV and hepatitis B. In fact, OSHA’s blood-borne pathogens standard requires that all dental office employees who could be exposed to blood receive the hepatitis B vaccination series. [www.niaid.nih.gov](file:///D%3A%5CUsers%5Cjenniferp%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5CLIWHJV3L%5Cwww.niaid.nih.gov)