

INSIDE, OUTSIDE – GETTING IT DONE: The In’s and Out’s of Championing Change in Federal Law

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INSIDE

As many audiologists have already learned, the Academy of Doctors of Audiology (ADA) announced at their recent convention a 5-year campaign to amend Title 18 of the federal Medicare Act so that audiologists are granted “Limited Licensed Physician” status within Medicare. In securing such status, Medicare recipients would not only have direct access to audiologists without prior physician referral or oversight, but Medicare-covered services (including treatment services) would be greatly expanded for audiologists, and audiologists would also have the opportunity to opt-out of Medicare if desired. This campaign has been given the handle “18 X 18” to signify ADA’s goal to amend Title 18 of the Medicare Act by 2018. This stated change in federal legislation, and the associated campaign to secure that change, have been communicated by ADA to both AAA and ASHA, whose designated committees are now reviewing it. It is ADA’s hope that all three professional associations will agree to pursue 18X18 collaboratively, thus pooling financial and personnel resources toward a common legislative cause.

Serendipitously coinciding with ADA’s 18X18 announcement was the online ADA Political Action Committee (PAC) fundraising challenge initiated by my colleague Dr. Greg Frazer at the end of October. This pledge challenge (seeking \$100,000 in pledges at \$1,000 pledge increments) generated over \$170,000 in PAC pledges prior to the ADA Convention from audiologists reading and responding to Greg’s posting on the ADA online listserv “ADAConnect”. Additional pledges were secured both at and after the ADA convention as well.

As ADA has explained, PAC money is carefully regulated. Donations to PAC’s can only come from individuals. Corporations cannot donate to PAC’s. PAC money is intended for use by candidates to fund their campaigns. Individual donations cannot exceed \$5,000 in a calendar year. Using the ADA PAC as an example, only ADA members and their spouses can contribute up to this amount individually to the ADA PAC. PAC contributions are not tax deductible.

So, clearly, from an INSIDE (the profession) perspective, a tool that can be and is used to effect legislative change is the PAC tool. It is a tool used by audiologists to advance legislative change important to audiology. However, PAC tools are also available to those who have other legislative agendas. When those other agendas are in opposition to those of an audiology PAC, then legislative change becomes a battle of war chests, where the deepest war chest likely has the best chance of winning.

For perspective, consider the data in Figure 1 recently published by AAA in the November/December 2012 issue of *Audiology Today*, quantifying PAC contribution receipts for the 2008-2010 donation season.

PAC Contributions During the 2008 – 2010 Fund Raising Season

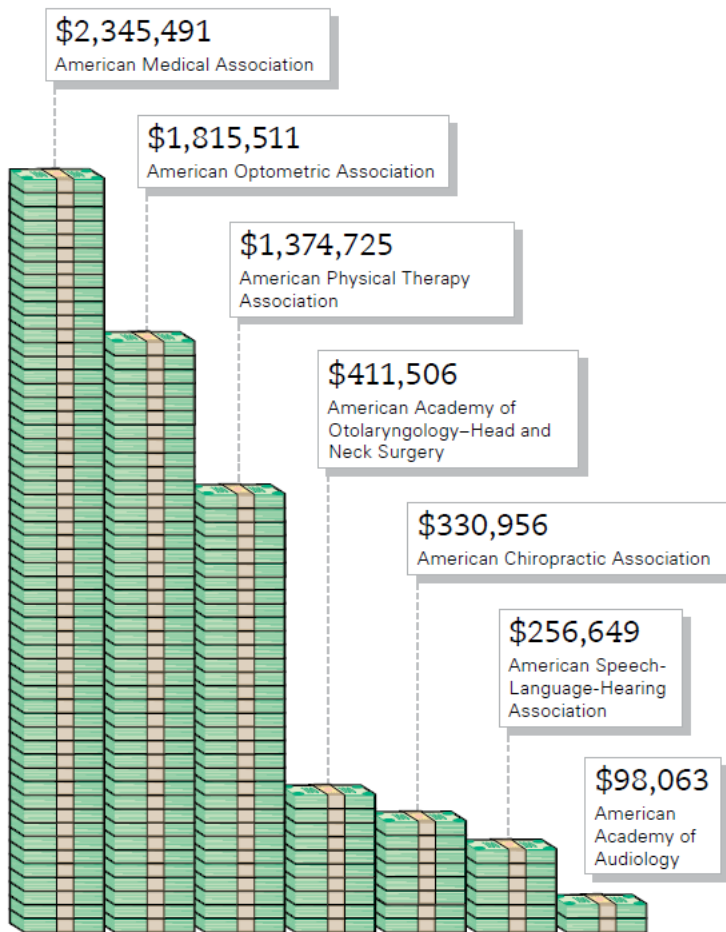


Figure 1.

Source: Center for Responsive Politics.

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OUTSIDE

For the last five years, my adult son has been involved in both campaign organizing at the grassroots level and community organizing in general. It is a fascinating business into which much research and trial-by-fire expertise has been acquired. One thing that my son constantly reminds me of when he describes the organizing infrastructure needed to effectively secure the minds and hearts of legislators behind a cause, is that the organizing has to be both from the “inside” as well as the “outside”. The “inside” is the lobbying effort, which is underwritten by special interest PAC money, and which is intended for the sole purpose of building the targeted legislator’s campaign war chest. The “outside” is the voice of that legislator’s constituency – the voters that ultimately determine whether that legislator stays in office or not. To be successful, both the “inside” and the “outside” organizing game must be played. If a legislator is not only receiving campaign funds from folks interested in a certain legislative initiative, but is also hearing from a large segment of his/her constituents that that legislative issue is important to them too, then backing that legislative initiative becomes a “no brainer” for that legislator.

So, let's translate this perspective into the 18 X 18 campaign. Individual audiologists and their spouses can contribute up to \$5,000 a year to PACs. Corporations can not contribute one dime. So, the "inside" game has to be funded by your generous contributions, and the magnitude of that investment is limited, at least at the individual level. However, as evidenced by the Supreme Court ruling regarding "Citizens United", corporations can contribute any amount of money to "advertise" their opinion about a campaign, a candidate, a law – and through that freedom of speech, they can invest unlimited resources toward influencing the minds and hearts of voters regarding that issue. The "outside" game can be financed by corporate donations, and there is no limit on the amount.

Getting Serious About 18 X 18

If the audiology profession is serious about championing the 18 X 18 initiative, then the following realities must be carefully considered as we craft our winning strategy:

1. If we implement only an "inside" strategy, we will likely be outspent, by special interests such as the AMA and AAOO (who are on record opposing direct access for audiologists) which will mean we will likely lose, especially if the 18 X 18 concept has no traction at the voter level.
2. Adding a coordinated "outside" strategy to our "inside" strategy significantly improves the odds that 18 X 18 will pass. If voters understand the value to them in passing 18 X18, and are effectively encouraged and guided to regularly contact their legislator to articulate their wish to see 18 X 18 passed, then that, in conjunction with our "inside" efforts, will logarithmically expand our success ratio.
3. The funding needed to wage an effective "outside" strategy can come from corporate donations. However, the amount of money needed is significant, and it is a rare corporate entity in our industry that is structured in such a way that it can direct significant financial resources toward an audiology-centric initiative such as 18 X 18. If you agree that the "inside" and "outside" organizing game-plan is essential to our success, you can't afford to ignore any corporate entity positioned, structured and willing to provide that revenue.
4. At the Saturday night 18 X 18 meeting at ADA, my group purchasing organization (AuDNet) made a substantial offer to underwrite an 18 x 18 "outside" organizing strategy, and we issued a challenge to all other group purchasing entities within our industry to provide similar, or some, financial support toward this effort as well. With modest group purchasing participation by ADA members alone, we estimated that we can generate nearly \$5,000,000 a year toward this cause, without costing participants anything. This sort of funding puts meaningful teeth into the 18 x 18 campaign, and goes a long way toward securing its success.

If you are interested in learning more about the elements that comprise an "outside" organizing initiative, how such an initiative can be coordinated with the 18 x 18 PAC efforts, how much money an effective campaign would require, and how that money can realistically be secured to underwrite this effort, email me at audiologyunited@aud-net.com. And, watch for subsequent "Inside – Outside" postings on this this website and in AuDNet, Inc. Bulletins.