

# WSHA-P Legislative Affairs Update

February 25, 2010

## WSHA-P Governmental Affairs Committee

Ramie Zelenkova, Lobbyist, Broydrick & Associates

Mary Bahr Schwenke, VP, M.S., CCC-SLP

Heather Swider, M.S., CCC-SLP

Sally Johnson, M.S., CCC-SLP

Sara Gustafson, CF-SLP

## Goals of this session

- Review the legislative process.
- Understand the importance of legislative advocacy.
- Identify legislative issues being addressed by WSHA-P.

## State Legislature Political Process

## Overview

- Wisconsin Government is divided into three branches: legislative, executive and judicial
- The legislative branch, which includes the Wisconsin Senate and Assembly, enacts laws;
- The executive branch, comprised of the Governor and state agencies, carries out the laws
- The judicial branch interprets the laws

## Wisconsin Government

Legislative	Executive	Judicial
<ul style="list-style-type: none"> <li>• Senate</li> <li>• 33 Senators</li> <li>• Assembly</li> <li>• 99 Representatives</li> </ul>	<ul style="list-style-type: none"> <li>• Governor</li> <li>• Other Statewide Elected Officials, e.g. Attorney General, State Superintendent of Public Instruction</li> <li>• State Agencies, e.g. DHS, DPI</li> </ul>	<ul style="list-style-type: none"> <li>• Supreme Court</li> <li>• Court of Appeals</li> <li>• Circuit Courts</li> </ul>

## Developing Public Policy

### How A Bill Becomes A Law

- A bill starts as an idea.
- Any member of the legislature may introduce a bill.
- Many members of the legislature introduce a bill after hearing from their constituents.
- Members of the legislature work with non-partisan legislative service agencies to make an idea a bill.

### Legislative Support

- When the legislator is satisfied with the bill draft he, or she, will circulate the bill to other members of the legislature, asking for support.
- The legislator who requested the bill is the "sponsor", or "author" of the bill.
- Legislators who "sign on" to the bill are "co-sponsors".

### Ready for Introduction

- Once the author has a list of co-sponsors he, or she, is ready to introduce the bill.
- Prior to introduction the bill is just a bill draft. The draft must receive a bill number, e.g. Assembly Bill 100 (AB 100).
- The bill, in this case AB 100, is then referred to the appropriate legislative committee for review.

### The Committee Process

- The chairperson may schedule a public hearing at his, or her discretion.
- Hearings are open to the general public.
- Anyone may register in support, or in opposition of a bill during a public hearing. Anyone may also testify, or provide materials in support, opposition, or for informational purposes.
- The chairperson decides whether or not to take action on the bill.

### Committee Action

- If the chairperson decides to take action, he, or she will schedule an executive session.
- Usually a fiscal analysis of the bill is available for committees members to review prior to the executive session.
- Committee members may offer amendments to the original bill during an executive session.

### Floor Action

- A recommendation by a legislative committee does not guarantee passage.
- Depending on the house of origin (Senate or Assembly) the bill may be scheduled for consideration by the appropriate house.
- If the bill is scheduled for consideration the house will debate the proposal prior to asking members to make a final decision on the proposal. Members may also offer amendments.

### All Over Again!

- If one house passes the bill it is sent, or “messed” to the other house.
- The bill essentially goes through the same process in the second house.
- If the bill is amended and passed by the second house the house of origin must pass the bill as amended.
- Once both houses pass an identical bill the bill is sent to the Governor.

### Gubernatorial Action

- The Governor has six (6) days to act on the bill, excluding Sundays.
- The Governor may sign the bill, veto the bill in full, or in part, or not act, in which case the bill becomes law.
- If the Governor vetoes a bill 2/3 support of each house is needed to override the veto.

## Grassroots Advocacy

### What is Grassroots Advocacy?

- Choosing to become involved to shape behavior, policy or programs toward a collective viewpoint, direction or end result
- Pleading a cause and leading with knowledge

### Benefits of Grassroots Advocacy

- Increased commitment to goals shared by speech-language pathologists, audiologists, legislators, patients, student groups, and higher education programs.
- Greater success in implementing planned advocacy strategies, including legislative, regulatory, and media initiatives.

### Grassroots Advocacy Benefits

- Shared knowledge and expertise among professionals, students and legislators
- Increased cohesiveness and willingness of professionals and students to work together on future grassroots advocacy efforts that impact the professions
- Generation of grassroots advocacy initiatives as a group that may not be generated on an individual basis

### Example Grassroots Activities:

- Informing others about an issue to increase awareness and support
- Writing letters to your legislators
- Making phone calls to your legislators
- Making visits to your legislators
- Attending public hearings
- Attending legislative committee meetings
- Testifying at a hearing (oral or written)

### How to Get Involved

- VOTE
- Visit [www.wisha.org](http://www.wisha.org) to stay on top of issues that impact your profession.
- Be on alert for WSHA-P e-blasts that request action
- Contact your state legislators. You have a state senator and state representative.
- To find out who represents you visit: <http://www.legis.wisconsin.gov/w3asp/waml/waml.aspx>

### But.....

- "I don't have the time....I'm too busy!"
- "I'm not an expert."
- "I'm not 'political'."
- "Oh, someone else will do it."

### But.....

- Taking action is not time consuming!
- When it is a piece of legislation related to our professions, YOU ARE THE EXPERT!
- Advocating for your job and your livelihood is not political, it is your right and your charge.
- Someone else may not be doing it. Our professions depend on your voice!

### What does WSHA need us to do?

- Contact (phone call or letter) legislators regarding a significant piece of legislation
- A WSHA-P email blast is sent when action is needed; talking points are provided
- Maintain your WSHA-P membership and strongly encourage others to join. We are a unified voice!
- Pass relevant information onto your colleagues
- Testify on behalf of our professions: oral or written

### Testifying at a Public Hearing

- Testifying at a legislative hearing gives you the opportunity to deliver your message directly to key decision-makers.
- It will also get your views into the official public record.

### **Testimony: Oral and written**

- Written testimony may be lengthy, but it doesn't have to be.
- You can often submit written testimony without testifying orally.
- Oral testimony usually must be very brief (2–3 minutes) and accompanied by written testimony.
- So it is best to prepare your written testimony first and then cut it down to the bare essentials.

### **Testimony**

- Focus on the issue or issues the committee is considering
- Tell the committee what you believe it should do
- Support your position with relevant facts.
- These may include your personal experience.

### **General guidelines for preparing testimony**

- Begin by introducing yourself.
- State your full name and your "credentials" for testifying—for example, your occupation, any relevant organization you belong to and/or life experiences that relate to the issues.

### **Testimony: Provide some additional background**

- Briefly summarize the relevant aspects of your personal background and/or the activities of organization you are representing.
- Your purpose here is to help the committee understand that you have first-hand knowledge of the issues.

### **Testimony: State the issues you will address**

- Oral testimony generally should address at most two issues because your time will be very limited.
- Written testimony can address more, provided they are clearly defined and focused directly on the subject of the hearing.
- All you need to do, at this point, is provide a framework for what you are going to talk about.

### **Testimony: State the action you want the committee to take.**

- It is always very important to let public officials know what you want them to do.
- In testimony, you will often want to be recommending that the committee propose a particular legislative action—for example, a new program—or that it approve, disapprove, or modify a piece of legislation that has already been proposed.

**Testimony:  
Tell the committee why it should act as you recommend.**

- Focus on the current situation and how the action you recommend will improve it.
- If possible, use your personal experience to help the committee understand how the issue affects individuals and your profession.

**Testimony:  
Strike a positive note.**

- Acknowledge positive action the government has already taken.
- Note improvements, even in programs you are criticizing..

**Testimony:  
Use your best manners.**

- It is customary to greet the chairman of the committee by name and then the committee as a whole before you launch into your testimony
- Thank them at the end for the opportunity to testify.
- Always speak respectfully, even when you strongly disapprove of the positions that committee members or other stakeholders have taken.
- You can certainly be critical of government agencies, but avoid disparaging remarks about government officials and the government in general.

**Communicating with Legislators**

**Visiting a Legislator**

- The most important thing to remember is that you are the constituent and the expert: it is even more meaningful to the legislator if you are a VOTING constituent.
- Your professional expertise and role in your community is the single-most important quality that you possess as an advocate.
- Legislators care about your VOTE, therefore they listen to you as a constituent first and foremost.

**Visiting a Legislator**

- Bring business cards and any interesting/relevant materials with you.
- Identify yourself.
- Identify your subject.
- Focus on one or two points.
- State your position clearly and concisely.
- Express your views reasonably. Do not argue.
- Keep your visit to 15 minutes or less.
- Thank the member or staff for their time/consideration of your position.
- If you have met with helpful staff, let your legislator know.
- Follow up with a thank you letter and request to be kept informed about the issue.

### Writing to Your Legislators

- Identify your subject clearly. If you are writing about a specific piece of legislation, provide the name or number of the bill, if possible.
- Put your return address on the letter. The envelope sometimes gets thrown away before the letter is answered. If you are e-mailing a message, include your full name and address.

### Writing to Your Legislators

- State your reasons clearly. Your own personal experience is the best supporting evidence.
- Explain how the issue affects you, your profession, family, or your community.
- Be specific and brief; one page is best.
- Clearly state whether you are for or against the bill or resolution.
- Support your position with reliable facts and figures.

### More to remember...

- Be reasonable. Don't ask for the impossible. Courtesy is always appropriate. If you disagree, do so without being argumentative.
- Time the arrival of your contact. Your phone call, letter or e-mail should reach your legislator BEFORE legislation is acted upon in a committee or on the Assembly floor. Usually it is best to offer comments on legislation while it is still in committee.
- Ask your legislator for his or her position in a response. As a constituent, you are entitled to know.

### Correspondence can be sent:

- TO STATE SENATORS AT THE FOLLOWING ADDRESS:  
P.O. Box 7882, Madison, WI 53707-7882
- CORRESPONDENCE CAN BE SENT TO STATE REPRESENTATIVES AT THE FOLLOWING ADDRESSES:  
Members' last names beginning with A-L  
P.O. Box 8952  
Madison, WI 53708  
  
Members' last names beginning with M-Z  
P.O. Box 8953  
Madison, WI 53708

### To find out who your legislators are:

- Go to <http://www.legis.state.wi.us/waml/waml.aspx> to find the name, address, telephone number, and e-mail address of your state representative and state senator.
- And, to find out what WSHA-P is working on for you, visit [www.wisha.org](http://www.wisha.org)

### What is a Lobbyist?

- A lobbyist can work in-house for one organization, or on contract for multiple organizations.
- A lobbyist communicates with members of Legislature and Administration on behalf of clients.
- A lobbyist's success is based on creditably, reputation, relationships, and often grassroots support from clients.
- Why hire a lobbyist? A lobbyist has legislative knowledge and contacts, skills of negotiating and consensus building, a fresh outlook on the issue, and daily presence in state government.

## WSHA-P's current legislative issues and developments....

### Wisconsin Act 14: Health insurance coverage of hearing aids and cochlear implants for person under 18 years of age:

- The new insurance mandate went into effect for insurance policies that were issued on or after January 1, 2010.
- More information can be found on the WSHA website:  
[http://www.legis.state.wi.us/2009/data/lc\\_act/act014-sb027.pdf](http://www.legis.state.wi.us/2009/data/lc_act/act014-sb027.pdf)

### 2009 Senate Bill 358/Assembly Bill 553: Licensure of audiologists, creating new grounds for discipline of hearing instrument specialists, audiologists, and speech/language pathologists:

- Amends the minimum education requirement for audiologist licensure.
- Changes the minimum education requirement for audiologist licensure from a master's degree to that of a doctorate degree in the field of audiology studies.
- There are no longer any master's programs graduating audiologists in the country.
- Wisconsin is one of the last states to address the change in statute.

### 2009 SB 358 /AB 553: Audiology Licensure

- Improves consumer protection Creates a definition of "deceptive advertising," which prohibits creating or using promotional literature, testimonials, insignia, or other representation that is false, misleading, or untruthful.
- Requires the receipt for the sale of a hearing aid to include a license title and license number. Current law only requires the license number.
- Prohibits the use of words that imply the involvement of the medical or audiology professions when there is no such involvement

### 2009 AB 553: Audiology Licensure

In January of 2010, there was an Assembly Hearing for AB 553. We had great representation of WSHA members and students. Three hearing instrument specialists dealers spoke in opposition of AB 553.

As of February 2010, we are faced with the reality of either running out of time and making another run in 2011 or amend the current bill and hope to get it passed prior to April. The bill may be amended, not in our favor.

Since the opening of Chapter 459, WSHA-P, the audiologists of Wisconsin and the WSHA-P lobbyist have been called to action to support numerous advocacy efforts. This started in March of 2006.

*Thank you everyone for all of your perseverance and efforts.*

### Autism Insurance Mandate

- The new insurance mandate went into effect for insurance policies that were issued on or after November 1, 2009.
- FAQ sheet on the mandate:  
[http://www.wisha.org/pdf/FAQ%20Sheet\\_Autism.pdf](http://www.wisha.org/pdf/FAQ%20Sheet_Autism.pdf)

### Autism Insurance Mandate

Mandated coverage for autism services went into effect several months ago. Under the mandate, autism services provided by SLPs are covered. However, to be considered a qualified therapist, SLPs must show evidence of 1200 hours of training that include all of the following:

- 1) Seven hundred fifty hours supervised training involving direct 1:1 work with individuals, including pediatric individuals, with autism spectrum disorders using evidence-based, efficacious therapy models.

### Autism Insurance Mandate

- 2) Supervised experience with all of the following:
  - a. Working with families as the direct speech or occupational therapist and ensuring treatment compliance.
  - b. Treating individuals with autism spectrum disorders who function at a variety of cognitive levels and exhibit a variety of skill deficits and strengths.
  - c. Treating individuals with autism spectrum disorders with a variety of behavioral challenges.
  - d. Treating individuals with autism spectrum disorders who have shown improvement to the average range in language ability and adaptive and social interaction skills

### Autism Insurance Mandate Recent Advocacy Efforts

- The Office of the Commissioner of Insurance (OCI) held a public hearing on December 2, 2009.
- Oral testimony was provided by Erin Dyer, SLP.
- Written testimony was submitted by WSHA-P, ASHA, and several SLPs across the state.

### Autism Insurance Mandate Recent Advocacy Efforts

- WSHA-P then solicited comments from SLPs who are providing and seeking reimbursement for services provided to children with ASD.
- Comments were then summarized and submitted to OCI.

### Autism Insurance Mandate Advocacy Efforts

- On Monday, February 8, 2010, Ramie and Heather Swider, SLP, participated in a phone conference with OCI to advocate for WI SLPs to be defined as qualified providers.
- Ramie and I attended the working group meeting on February 16 changes to several components of the rule that we currently do not like including the definition of "qualified therapist" and "supervision".

### Autism Insurance Mandate Advocacy Efforts

- After numerous personal visits to the OCI by our lobbyist, Ramie, the working group now appears to comprehend that SLPs are autonomous providers and no further training is necessary beyond holding the DRL and CCCs to provide therapy services to children with ASD.
- The current challenge is that the statute is written that autism therapy is "behavioral". However, SLPs (and OTs) are written into the statute as being qualified providers.

### Autism Insurance Mandate Advocacy Efforts

- Clearly, there are very few SLPs who are behavioral therapists, so the OCI will need to develop language that will allow SLPs to be qualified providers of therapy for ASD.
- There is also the issue of defining “intensive” and “non-intensive” services. According to the workgroup and statutes, both “intensive” and “non-intensive” therapy services for ASD cannot be provided/reimbursed simultaneously.

### Autism Insurance Mandate Advocacy Efforts

Emergency rules can be in effect for 150 days with a 120 day extension. The rules will need to be published by May 1<sup>st</sup>.

### Autism Insurance Mandate Advocacy Efforts

- We are looking for revisions to the rule to include:
- qualifications to current licensing requirements for evidenced-based therapy
  - Further definition of “intensive –level services” to include the simultaneous receipt of supportive evidence-based therapy from a qualified provider

*Thank you to everyone for your tireless advocacy efforts and perseverance regarding this critical issue!*

### Contact Information

Mary Bahr Schwenke, VP, M.S.,CCC-SLP  
WSHA-P VP of Governmental Affairs  
vp.governmental@wisha.org