

LAW MAKING: HOW IT WORKS AND THE ROLE OF ADVOCACY

James O'Donnell and Beth Wilson

Getting things done requires first that you know what you want to get done. You need to talk to other people and do your homework. Then you have to get to know the players. We will talk about how to do that. It's a game really; a game to get legislation through. Like any other human process, you have to know what the rules are, so that you can play. The whole business is about contact, contact, contact.

For example, let's take CART. You perhaps want to be able to get all hospitals required to have it available if a person comes in who is late deafened. To draft a bill to do that you need to have at least one person who is an expert on drafting bills and/or hopefully also knows what you are trying to do, someone like your local legislator. You need supporters. They can be friends, your family, friend, or people from local groups, such as ALDA or SHHH. And then you can move to other agencies and non-profit organizations, maybe even officials, your local town officials and so forth. Now when we say know the players, everyone should really know their own state representatives. People tend to be intimidated by that, but it's really not a difficult process. It is relatively simple and very basic, very human because all of those people have to get elected again.

To find out who your representatives are you can go to your state web site which will tell you where they are located as well as what committees they are on, and who the chairs of those committees are. You need these people, these experts, because once the bill is committed, once you have gotten a sponsor; these are the people that you can rely on the most. They are the ones who guide you to the next step.

When you put your bill in it won't look perfect. There needs to be compromise. To get anything done or through the legislature requires compromise. Your sponsor is the person who submitted the bill for you. Lastly you may want to think about unlikely allies. If you are involved in the CART issue for example, you probably should to talk to the Court Reporter's Association and see if you can get them to back it up. They know people up there that you don't. It is really a contact sport.

Meeting your representatives and senators though is crucial, and you do that either through physical visits, writing or calling them. They need to hear from you, hear your story. They need to know what makes this bill compelling. You can also plan something with a specific education day with your group where you all go your selected legislatures, with fact sheet and tell them what you would like to see happen. And then you need to track carefully what is going on with the bill and follow-up as it moves from committee to committee.

BETH WILSON: It can be scary the first time you tackle this. I'm going to talk about the hearing aid insurance legislation that we passed here in Rhode Island General Assembly. We were very happy to be able to celebrate the success of this bill. But it was a long road to that success. The first year we asked for \$400 per year, mandatory hearing aid insurance coverage. The bill died without explanation. The next year we said let's make it softer, require hearing aid insurance, but not say how much. This time we got a hearing, but it was turned down. Then the third year we found out that the arguments were centered around how much the premiums would cost. What the insurance lobbyist would do, they could calculate how many people lived in Rhode island, and they would pretend that they were all insured, then they would further pretend that all these people were insured by one company, and then they would pretend that they all had two hearing aids, both of them the most expensive. So by this calculation you can imagine what the premiums were. The cost of the hearing aid they came up with was just remarkable; I don't know where I could get something that expensive. This was what was being quoted in these hearings. This is what we were up against. So it is very, very important to make sure you have realistic data. And we were able to get that information. So the fourth year we were more prepared for the hearings and we were able to diffuse that unrealistic data. But then we were blindsided again.

This time it was somebody who had their kid getting a hearing aid from the Shriners, and they came to the hearing and said if this bill passes I will have to pay for the hearing aid for my son. We had no idea that this was problem. And so the bill was killed before we were even able to talk about it. So, the next year we started again. This time we changed the language so it didn't interfere with the kids that are receiving free hearing aids.

So, we finally got it through a hearing. And it passed the House side. And it went to the Senate where it got bundled up with all kind of politics and didn't make it out. So, we had to start over the next year. The sixth year was the year we thought we would never make it. That was the year Pilgrim Insurance went Bankrupt and we had a crisis in Rhode Island. The crisis was that this insurance company went bankrupt, and so all the legislatures now kept saying, no new mandates! That was the mantra for the session. So, we just said forget it. This is not going to work this year. This will never work. But, we decided we are going to push it forward anyway. Every year we are going to put this in until we get it. Then came a piece of luck. That also happened to be the year that Raytheon had pilgrim health care for the Rhode Island employees. Raytheon beyond sent out a letter to all of its employers in Rhode Island and said we will make sure you have exactly the same coverage and we will pay the difference this year. And then they handed out the insurance that had hearing aid insurance now and said to all the companies in Rhode Island, if you want to bid on this, you have to make this package. So, by accident, if a company wanted to bid on Raytheon's contract, they had to offer hearing aid insurance. It wasn't so difficult to write a rider then. And that's how we got it. They, then, when the bill went in, the insurance lobbyist couldn't say it was it was too difficult, it was already done; it became now something that wasn't so hard to do.

What are the keys to victory? The first year we put it in, it was introduced by is one of our SHHH members, who had gone to her own legislator who said “sure,” but did not really care and told all his buddies to just ignore it. When this bill started to get some progress, was when we had a champion--a sponsor of the bill who really believed in it and who made it a priority. The other key was to try again every year. We never gave up. Every year we came in and looked at those lobbyists, the same ones every year, and said we are back, you are not getting rid of us so easily. And each they had to be more creative in fighting it. We also had to be prepared for their claims, and to be prepared for the numbers they would throw around, because the numbers they would never offer in a hearing, it was always to the legislators in the hallway. So, we had to know in advance the things that they were going to be saying. And to combat that, we had to talk to our own legislatures. We got data from the SHHH national office and they had data from other states that were trying to do hearing aid insurance and that gave us some ideas and ammunition. We also got the consumer groups together. SHHH, the Rhode Island Association of the Deaf, The Commission on the Deaf and Hard of Hearing, they were all at the hearing.

It was a united front. We all wore our “face me” buttons because anything that visual gets attention, no matter how silly you feel when you are doing it, anything that will make you stand out is a unifying force to be reckoned with and will make a difference.

Always, always talk to your representative because they need your vote to be elected. The first time I got to testify on the bill my House representative was on the committee, and the whole time that the testimony was going on she was smiling at the insurance lobbyist, and anybody who would say something about the need for hearing aid insurance, she would scowl at them to make sure that the lobbyist with all that campaign money would notice. She was always tearing into those in support of the insurance. So, I got up and sat down and I announced my name and my address. Your address is very important because they then know that you vote in that state. And then in case she didn't recognize that a river side Rhode Island address was in her district, I then said, and the announcement for this hearing is on my refrigerator with your refrigerator magnet and I pointed at the woman. She looked scared because she realized she had been against me and I vote for her. And she said: “You are in my district?” And her eyes got big and she looked over at the insurance people almost pleading. And they hung their heads because they knew they couldn't count on her while I was sitting in the room. The sponsor of the bill was chairing the meeting, so, she knew she had an opportunity and when the hearing was over, she called for a vote. They hardly ever call for a vote like that because they don't want to vote in front of you. But she knew if she called for a vote my representative would have to go, in favor, reluctant as she might be. The bill passed the house committee that year.

I also went to a school meeting when a new representative was elected simply to have the opportunity to talk to him. And even though I did not need it at that particular meeting I had him wear my FM unit so he would remember me. This meant also that I got a chance to talk to him when I retrieved it. And at that time I Told him my name and say, “I'm with Self Help for Hard of Hearing people, I hope we can count on you this year in passing the hearing aid insurance bill.” When the bill was introduced the last time and he was on that committee, I came in and look at him

and he is looking around and I waved like we were old friends. I went up and shook his hand and reminded him of our last meeting, and we talked about the bill. We ended up getting his vote in the committee and then went to the house floor and when it came to a vote there he stood up, turned around to make sure I saw him and did the thumbs up and the bill passed. So these kinds of things are important in getting them through

So the recipe for success is this: First gather together enthusiastic people. You need to have a champion, patience, and optimism and faith that you will get it someday. Then you need to gather the information you need to combat lobbyists. Find out what you need to talk about, and personal lobbying of individual legislators is vital. Plan on a long ride. Keep mixing and stirring until all the votes are hot. Remember, you are voters. You have power. Cook steadily and bake repeatedly--over successive Legislative sessions and then when you are done, serve with champagne. Most of all, don't give up. The key is to stay in there and don't give up.

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