

How Life Care Planners Can Impact Legislation Through Legislative Tracking Technology

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Editor's Note: This paper was presented as a break-out session at the 2011 International Symposium on Life Care Planning in Scottsdale, AZ in September 2011. The paper has been revised from the original presentation for purposes of publication in the Journal.

Abstract

This article discusses the history and fundamental aspects of the United States legislative process, provides recommendations for legislative input from a Maryland delegate, and expounds on application of current legislative tracking technology to increase the voice of life care planners in the process of legislation. Technology is available to life care planners to provide meaningful input into proposed legislation that will impact the lives and care of individuals with a disability.

Introduction

The material in this paper was presented at the 2011 International Symposium on Life Care Planning in Scottsdale, Arizona, on September 18, 2011. This article will outline background information about the United States legislative process, share impressions and ideas from a state delegate, and present methods for tracking legislation to impact the legislative process on behalf of individuals with a disability and the Life Care Planning community.

This article is not a political persuasion, nor support of a specific bill, or promotion of a particular product. The intention is to provide examples of cutting edge technology to track legislation that impacts the population of individuals with a disability and the life care planning process; to discuss current trends and findings disclosed during preparation of this material; and to stimulate interest in tracking and impacting legislation to benefit individuals with a disability.

Relevant Laws

Life Care Planners recognize the importance of past legislation and the impact it has on the community of individuals with a disability. For example, the Rehabilitation Act of 1973 assures civil rights for persons with disabilities. This Act includes Section 501 which prevents employment discrimination by federal agencies; Section 503 which created affirmative action

of people with disabilities; and Section 504 which provides opportunities for children and adults with disabilities in education and employment, and allowed for “reasonable accommodations” to be made (Americans with Disabilities Act of 1990). Section 504 was historic in that it created a “class of people” whose special needs would now be addressed (Department of Justice, 2011). The Education of All Handicapped Children Act, Public law 94-142, was enacted in Congress in 1975 and assured the provision of an Individualized Education Plan [IEP] and free and appropriate public education in any public school receiving federal funds to provide equal access for children with special needs (Department of Justice, 2011). This law was revised in 1990 and renamed Individuals with Disabilities Education Act (Department of Justice, 2011). Another major influence in fair treatment of individuals with a disability was the passage of the Americans with Disabilities Act [ADA] of 1990. This Act was amended in 2008 to provide broader protection against discrimination based on race, religion, sex or national origin and defined disability as “a physical or mental impairment that substantially limits a major life activity” (Department of Justice, 2011). In the authors' opinion, all of these laws influence the construction of life care plans on a daily basis in one way or another. Just as these laws have a broad-reaching scope, so do the bills that are currently proposed; especially as they gain ground through the House of Representatives and the Senate. For this reason, it is important to have an understanding of the organizational structure of the federal government before moving into the area of legislative tracking. Reviewing the structure of government will provide the reader with a framework for the workings of the federal government. State and local government are similarly organized.

Overview of Government Structure

The United States Constitution is the basis for government in the United States of America (US Constitution Online, 2011). The United States Constitution was amended by the Bill of Rights which consists of the first ten amendments (US Constitution Online, 2011). The Federal Laws of the United States Government cannot dictate the content of the individual state law and the state law cannot conflict with the Federal Law. Local laws can not be in conflict with either the State or Federal Laws (US Constitution Online, 2011).

The federal government is comprised of three branches: the Executive branch, which consists of the Cabinet, and is over seen by the President; the Legislative branch, comprised of the Senate and the House of Representatives; and thirdly the Judicial branch (USA.gov, 2011). For purposes of this article we will look more closely at the Legislative branch.

The primary responsibility of the Congress is to pass legislation. The Senate is unable to pass legislation that imposes taxes, while the House of Representatives can initiate spending and pass laws that impact taxes (USA.gov, 2011). The House also has exclusive authority to impeach officials and to choose a President in an Electoral College deadlock (USA.gov, 2011). The United States Congress holds sessions in the U.S. Capitol in Washington D.C. and a new Congress begins on January 3 of each odd numbered year and lasts for two years (USA.gov, 2011). Each year is considered a separate session for Congress. The Congress has oversight of the executive branch, including the President, and can balance against his/her discretion in implementing laws and making regulations (USA.gov, 2011). The Congress has the authority to enact legislation and declare war, the right to confirm or reject some Presidential appointments, and has substantial investigative powers (USA.gov, 2011). The Senate consists of 100 members, two from each state, and the member must be 30 years old, a citizen for 9 years, must live in the state where elected and serve a term of 6 years (USA.gov, 2011). The Vice President of the United States serves as President of the Senate and may cast the decisive

vote in the event of a tie vote in the Senate (USA.gov, 2011). Conversely, the House of Representatives consists of 435 members, who must be 25 years of age, a citizen for 7 years, and they must live in the state where they are elected. The number of House members from each state is driven by the population of that state and based on the census results that are collected every 10 years (USA.gov, 2011). The District of Columbia and the territories do not have voting power but do have seats in the House of Representatives (USA.gov, 2011).

Opportunities to Initiate Legislation

Life care planners have an opportunity to initial legislation in several ways. *Primarily, the legislative process starts with an idea that is brought to the attention of a representative.* It is written as a bill, sponsored and introduced by a member of the House of Representatives or the Senate (Library of Congress, 2011). The bill is most often sponsored by the member of Congress that has an interest in the bill content. The bill will have a prefix of S or HR before the bill number to designate the origin of the bill (Library of Congress, 2011). The bill is assigned to a legislative committee to be studied, and testimony is given by experts. *Offering expert testimony is the second opportunity life care planners have to positively impact a change in legislation.* The bill may be revised, set aside or released. If it is released it moves on in the process and must be passed by a 2/3 member agreement (Library of Congress, 2011). Once the bill has passed one side of the Congress it is called an Act (Library of Congress, 2011). Once the Act is received in the opposite side of the Congress it is assigned to committee for review and consideration and goes through conference committee hearings (Library of Congress, 2011). *The second set of committee hearings is another opportunity for Life Care Planners to speak for or against proposed legislation.* The revised Act goes to both the House and the Senate and is printed by a government office (Library of Congress, 2011). The Act is presented to the Speaker of the House then to the Vice President and then sent to the President (Whitehouse.gov, 2011).

The President has a 10-day window of opportunity to sign, veto or otherwise handle a bill. If the President signs the bill it becomes a law. The President has the option of vetoing the bill and it will return to Congress for further consideration. The President can take no action, and a bill becomes a law if Congress is in session. If Congress adjourns before the 10 days expires, the bill dies and Congress cannot override the decision. This is called a pocket veto. The bill would have to be reintroduced in Congress at the next session (Whitehouse.gov, 2011).

Legislative opportunities to advocate for the needs of the people we serve are abundant, both at a federal and a state level. Life Care Planners have a unique knowledge base that allows us to present rationale for or against legislative change impacting the population of individuals with a disability. Educating oneself on how to initiate and track legislation is a first step to getting started.

Tracking Legislation

Technology has made tracking state and federal legislation fast, easy, and we would suggest fun! Participating in the legislative process involves a cycle of Life Care Planners and representatives helping each other to understand each prospective system to benefit individuals with a disability. Life Care Planners can obtain legislative information from many arenas, some of which include: online searches, publications, LISTSERVs, professional organizations, and social networking. The newest technology for tracking legislation involves websites that are designed to assist users to track legislation and their representatives and applications.

Relevant Websites

THOMAS is a website maintained by the Library of Congress to provide free federal legislative information to the public (Library of Congress, 2011). It is the main source for many of the tracking systems listed below. THOMAS allows searches of bills and resolutions back to 1989 and public laws back to 1973. Users can access roll call votes and proposed legislation; read bill summaries with links to full text summaries; and monitor Congresses' activity, schedule, records, committee reports and treaties. Interested persons can subscribe to regular updates from THOMAS by RSS feed or e-mail that include information on bills presented to the President; a *Daily Digest*; House and Senate activity; tips; *Top Ten Bills*; and a legal blog.

GovTrack.us is a free website that also allows users to track federal legislation. The information is assembled primarily from the website THOMAS (GovTrack.us, 2011). Trackers are designed to be both general and specific. An example of a general tracking would be to elect to track proposed healthcare legislation. An example of specific tracking would be tracking a particular senator or healthcare bill. Once users have selected trackers within GovTrack.us, they can pick from a variety of email scheduling options to stay informed. Adding, deleting and adjusting trackers are also made simple. By going to *Your Tracked Events* page, users get the most updated information on the bill. GovTrack.us allows individuals to find specific districts and legislators; see statistics for specific representatives; locate bills back to 1993; examine voting records; and get information on the various committees. GovTrack has a link to its sister-site called POPVOX to allow individuals to instantly weigh-in on proposed legislation.

MyGov365 also is a free website, but it allows tracking of state legislation in addition to federal legislation. Users are matched to their legislative districts and representatives, and can opine directly from MyGov365 to their legislator. Users can also participate in discussions and be connected to news reports on legislative topics or bills. MyGov365's home page also includes What's Trending, which features current state and federal legislation activity as well as discussions (MyGov365, 2011).

Applications

Visible Vote is a free application for Facebook, iPhone, Blackberry, Google Android, Windows XP, Windows Vista, and Windows 7 users to advise Congress on how to vote on the proposed legislation. Users can follow current media events, view their legislator's voting records, and read legislative bill proposals. A unique feature of Visible Vote is that it allows the user to compare their representative's voting records with the user's personal belief systems. After the user "votes" on a particular bill, the application cross compares the vote to their representative's vote, and then provides a bar graph showing the percentage the user and the representative agree or disagree. Every week the application sends compiled information to the appropriate legislator indicating whether or not their constituents support or oppose their views on particular issues (Visible Vote, 2011). Visible Vote provides online video demonstrations for general and advanced use of their application. A breakdown of these 4 types of trackers can be found in Table 1.

Case Study: Putting it All Together

To provide an example of how life care planners can become involved in tracking legislation that impacts the health care industry, the below case study is provided.

A Life Care Planner is interested in proposed legislation related to organ transplants and discovers the following proposed bill, *S. 1454: Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2011*. The planner can go to any of the above trackers and discover the date that the bill was proposed, who sponsored the bill, what committee it is in, and the activity the bill has had to date. The Life Care Planner can read the full bill or the bill summary. If the planner discovers that he or she has relevant information that may impact the bill, or wants to voice a strong opinion, the sites can be navigated to discover who is participating on the committees and in what stage of hearing is the bill. The Life Care Planner can choose to submit a “vote” or opinion depending on which tracker is used; contact a legislator directly; use the information to inform others; or choose to do all of these activities. If the representative is in the planner’s state or local area, this may make participation in the legislative process even easier. Life Care Planners should be aware that some site features have a 24-hour delay for updated information.

A Delegate’s Point of View

In summary, the authors would like to leave the reader with some feedback from Maryland Delegate, Kathy Szeliga, which was obtained during an interview with her in July, 2011. This interview is reproduced with permission.

Q: Who or what group do you feel contacts you the most regarding healthcare legislation concerns?

Delegate: “The public, other government entities, and lobbyists by face-to-face contact.”

Q: What is their primary mode of contact? [Email, e-fax, phone calls]

Delegate: “Most forms of contact are by email.”

Q: In what way do you prefer to be contacted regarding healthcare legislative concerns?

Delegate: “I like all the forms of contact.”

Q: Are you working on any healthcare legislation at this time? How do you feel the process is going?

Delegate: “No, I am not currently on a healthcare committee.”

Q: Do you have healthcare legislative concerns that need to be addressed but that you feel you do not have the time or enough research related to your concern?

Delegate: “There is great uncertainty across the country right now with Obamacare. Citizens, businesses and healthcare professionals are all waiting to see what will happen. Keeping up with changes and proposals is challenging.”

Q: As a Delegate, how do you get educated about healthcare issues affecting legislation?

Delegate: “I call healthcare providers that I know or I am educated by the lobbyist groups. I also am educated by the public, government websites, and LISTSERVs.”

Q: When, during a legislative session, is the best time/most productive time to notify you/a representative of a healthcare legislative concern?

Delegate: In Maryland, our legislative session is 90 days. Things move slowly in the beginning, and then really take off during the last 30 days. The earlier in the session, the more time a legislator has to examine legislation and issues. Other states vary by the type of legislature; and federal representatives are always busy.

Q: What time of the day is best to contact you or your office?

Delegate: “A phone call to the office during normal business hours to set up a meeting is best.”

Q: Do you feel like you hear from healthcare providers on a regular basis?

Delegate: “Most healthcare providers are busy doing what they love: providing healthcare.”

Generally, I only hear from them when there is a pressing issue that needs attention. This is typical. Most citizens are not engaged until there is an issue that affects them directly.”

Q: Do you ever get feedback from Visible Vote or GovTrack? If so, what kind, and what has been the outcome?

Delegate: “No, because they are mostly federal tracking sites and applications.”

Q: Do you have any general recommendations for healthcare providers to participate in healthcare legislation? ‘

Delegate: “It is important for healthcare providers to be unified in the legislation they are proposing.”

Q: How do you feel that healthcare providers can help you to become effective in processing proposals for healthcare legislation? [Meeting with you, testifying at committee hearings, forwarding published literature?]

Delegate: “I always enjoy being educated by a professional, someone who works in an industry and knows first hand how that industry works and the challenges faced in that industry. A meeting or phone conversation, along with my personal research, is most effective.”

Q: Do you have any additional advice for life care planners becoming involved in legislation?

Delegate: “Yes. Remember there are weaknesses to tracking. Some representatives may appear not to agree with or weigh in on a particular issue, but it may be as simple as the individual is not on a committee that reviews or votes on the matter. As a result, polls related to issues may be skewed. The tracking sites and applications should be used as a technical supplement used in conjunction with the other means discussed above.”

Q: May we share your feedback with other healthcare providers that will attend the national life care planning conference and/or in print form? “Yes.”

In closing, we want to restate that Life Care Planners can and should take an active role in legislation. We can make a difference in the way government creates laws that affect individuals with a disability. We have a voice. We must understand how to effectively use it, not only as individuals, but collectively as a professional industry.

Author Note

A special thanks is due to Maryland Delegate Kathy Szeliga, and her staff member Colleen Dunlap, for their assistance in providing feedback both in interview format, and in general conversation, during the development of our presentation and this article.

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Table 1. Four Types of Legislative Tracking Systems

	GovTrack.us	MyGov.us	ProLegis	Visible Voice
Website	http://www.govtrack.us	http://www.mygov.us/home/index.asp	http://harris.leg.gov/home/home.php	http://visiblevoice.net
Launched	2004	2004	1998	2004
Type	Website	Website	Website	Application
Open	Open	Open	Open	Open
For use only	Internet	Internet	Internet	Desktop, iPhone, Blackberry, Google, Firefox, Windows XP, Windows Vista, and Windows 7
Contributable	Yes	Yes	Yes/limited	No
Real frequency	Multiple queries	2-3 times daily	Multiple queries	Yes
Modern tracks	Yes	Yes	Yes	Yes
Basic search	Yes	Yes	No	No
Usability to type	Yes	Yes	Yes	Yes
Shows sponsored bills and amendments	Yes	Yes	Yes	Yes
Compares personal bills with legislative bills across years	No	No	No	Yes
Additional link posted for further navigation	Yes	Yes	Yes	Yes
Provides info on the legislative legislative staff, campaign staff, and potential candidates	No	Not available	No	Yes
Merchandise available	Yes	No	No	No
Source of funding	Government	Not specified	Private	Not specified
Can a user post comment or message directly	Yes	Yes	No	No