

ROAD TO CHANGE: OVERVIEW OF POLICY-MAKING

Center for Health Law and Policy Innovation

Harvard Law School

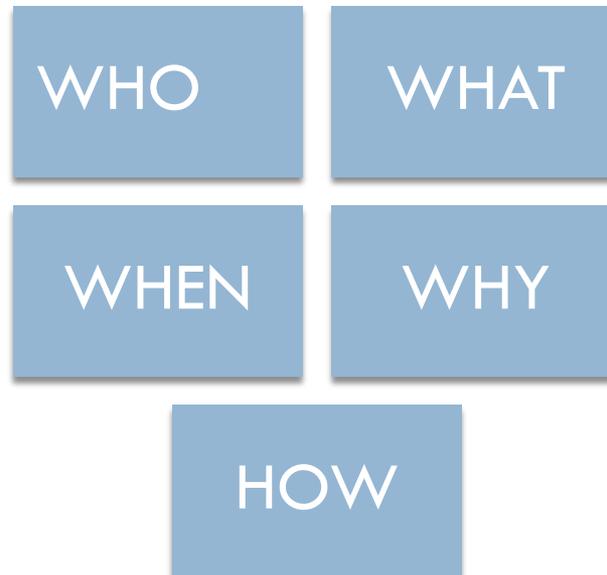
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What is Policy?

- POLICY = A legal, regulatory, and/or organizational framework that governs our environment and behavior by outlining specific conduct, who should do it and how, and for what purpose.



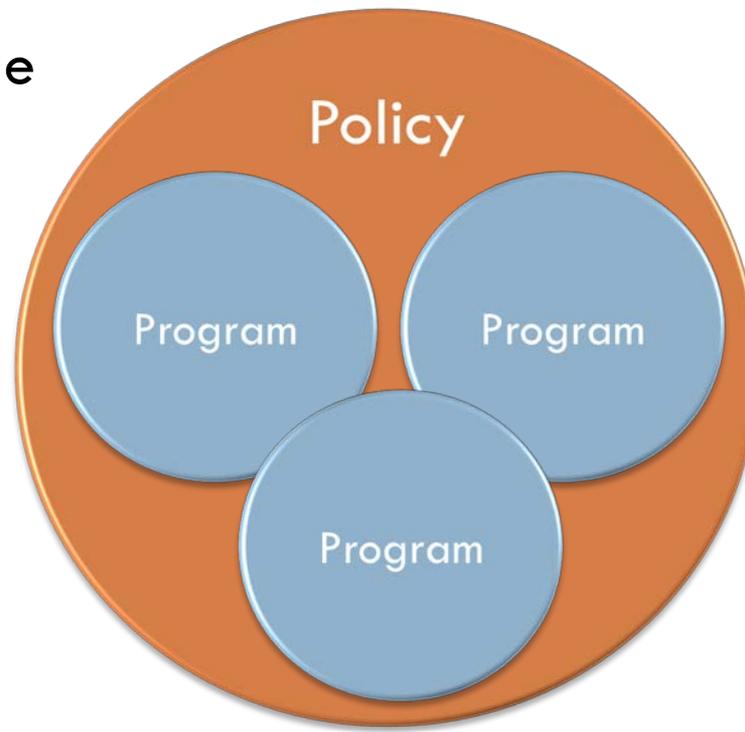
Policy vs. Program

□ POLICY

- Broader framework
- May encompass several programs
- Sustainable

□ PROGRAM

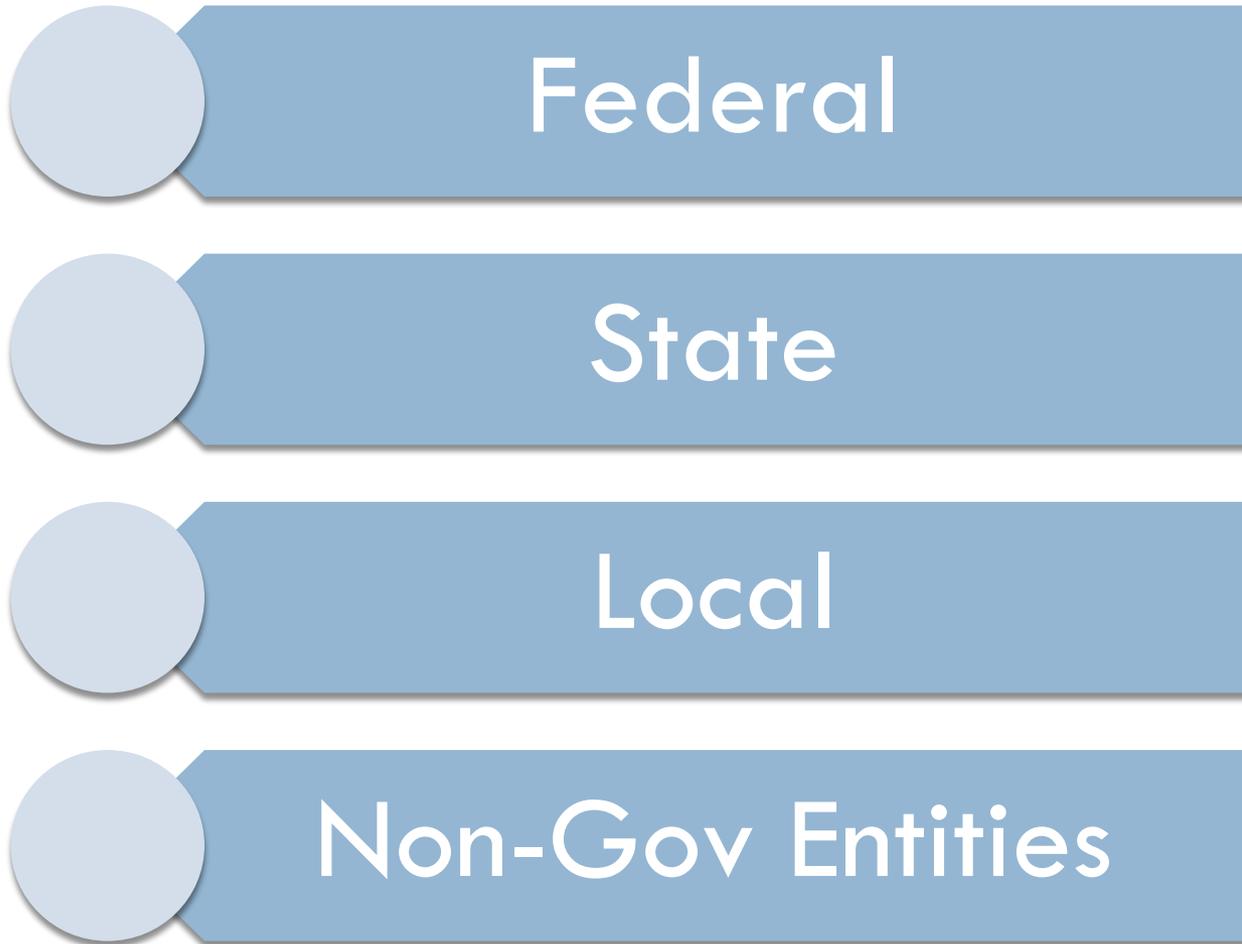
- Specific initiatives
- Might be terminated with changes in leadership



Policy vs. Program: Example



Different Levels of Policy



Legislation vs. Regulation

Legislation [WHAT]

Congress or state legislatures

Gives power to agencies

Regulation [HOW]

Federal or state agencies

Realizes the purpose and objectives of legislation through rule-making, guidance, agency

ADVOCATES CAN:

Inform and education
legislators

Submit comments/ testify
during official windows for
public feedback

Federal Level

Legislative = Congress
[WHAT]



Regulatory = Fed agencies
[HOW]



Social Security Act →
Medicare & Medicaid

Rules for states to follow when
administering Medicare &
Medicaid

Affordable Care Act →
Preventive services rated A/B =
no copay (e.g. lung cancer
screening)

Sets details of what lung cancer
screening entails in order to be
reimbursed

State Level

State can regulate where federal government does not	States can sometimes do more more than federal requirement	Federal laws can <u>preempt</u> states from regulating
<ul style="list-style-type: none">• Requiring private insurers who operate within a state to cover all tobacco cessation medications	<ul style="list-style-type: none">• Tobacco Control Act sets federal minimum age of 18; states can raise minimum age	<ul style="list-style-type: none">• Tobacco Control Act: preempting states from regulating tobacco labeling

Local Level

- Local authority (counties/municipalities):
 - ▣ Preemption

FL: Preempts local smokefree policies

- Florida does not allow localities to institute smokefree policies

WV: No preemption on local smokefree policies

- All 55 counties in WV have some 2nd-hand smoke regulations

Non-Governmental Entities

- Non-profit organizations
 - ▣ American Lung Association, American Cancer Society, Lung Cancer Alliance

- Professional associations
 - ▣ American Medical Association, West Virginia State Medical Association, American College of Surgeons
 - Cancer program standard of care + Commission on Cancer accreditation

- Employers

Advocating for Policy Changes

- Levels of policy making
 - ▣ Figure out policy objective
 - ▣ Who is your audience? What do you want them to do?

- Understand how they work together
 - ▣ Legislation + Regulations simultaneously

- Don't reinvent the wheel
 - ▣ Find your experts

- Become a champion!



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Questions

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