

How the Government Works (Or Doesn't)

**Evelyn G. Duffy DNP, AGPCNP-BC, FAANP
Florence Cellar Professor of Gerontological Nursing**

What is Policy

Policy

- “A definite course or method of action selected from alternatives and in light of given conditions to guide and determine present and future decisions” (<http://www.merriam-webster.com/dictionary/policy>)

Health Policy

- Authoritative decisions made and actions taken by governments that pertain to health.
 - Local, state, national, international
 - Formal governments and government organizations

Policy Creation

Big P policy

- Laws
- Rules
- Court decisions
- Executive orders
- Government agency decisions
- Little P policy
 - Institutional policies
 - Reimbursement decisions
 - Funding allocations

Examples of Policy

- Law
- Regulation
- Resolution
- Position statement
- Program
- Procedure
- Goal
- Objective
- Population Competencies
- Credentialing
- Practice privileges
- Rules

The Branches of Government

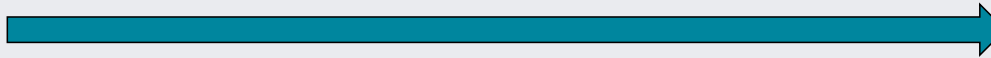
The Constitution defines three branches of Government

- Legislative
 - Senate
 - House of Representatives
- Executive
 - President
 - Vice President
 - Cabinet
 - Most Federal Agencies
- Judicial
 - Supreme Court
 - Lower Federal Courts

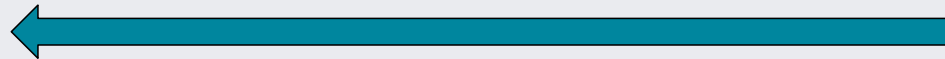
Understand the Legislative Process

Bills are written by an individual or individuals in Congress

GO TO



Office of Legislative Council



NEXT STOP

Committee Assignment

22 in the House and 16 in the Senate

For Medicare and Medicaid law

Senate: Finance Committee

House: Medicare

Ways and Means

Medicaid

Energy and Commerce

Understand the Legislative Process

Once a Bill passed both the House and Senate

- Goes to conference committee which works out any differences
- Sent back to both House and Senate for final approval

President must sign into law or veto the bill within 10 days

- If vetoed can still become law if the House and Senate override the veto with a 2/3 majority

President doesn't sign or veto the bill within 10 days

- Becomes a pocket veto if Congress is not in session
- Becomes law without his signature if he does nothing in 10 days and Congress is in session

Understand the Legislative Process

It's the law! Now what?

- Rulemaking
 - Federal agency responsible for implementing the law
 - US Department of Health and Human Services
 - Centers for Medicare and Medicaid Services (CMS)
 - Health Resources and Services Administration (HRSA)
 - Rules are created that interpret the law
 - Rules can not go against the statute or Constitution

Understand the Legislative Process

Rules and agendas are published by agencies

- “Unified Agenda” and Proposed Rulemaking
 - Reginfo.gov <https://www.reginfo.gov/public/>
 - Regulations.gov <https://www.regulations.gov/>
 - Federal Register <https://www.federalregister.gov/>
- Other resources
 - CMS.gov <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Index.html>

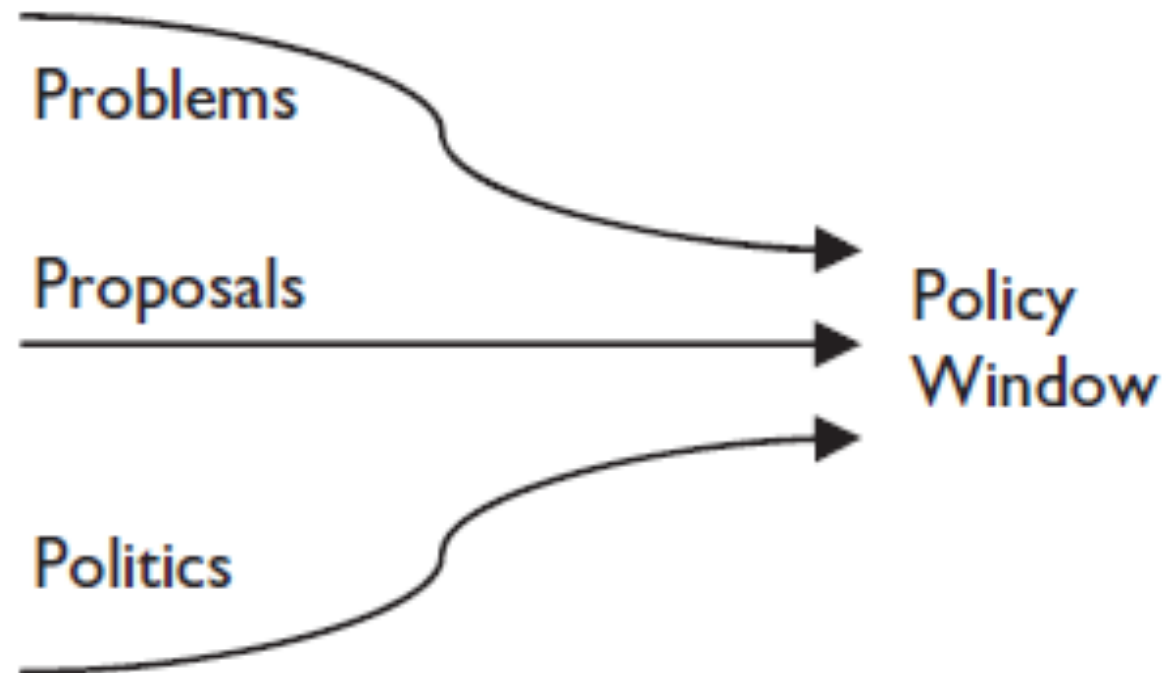
Understand the Legislative Process

- Thousands of bills introduced and assigned to committee
- Rarely is the individual bill debated on the floor
 - 90% of bills die in committee or subcommittee.
- ***HOPELESS? NO!***
- Bills can become a part of other legislation their “vehicle”
- <https://www.govtrack.us/>

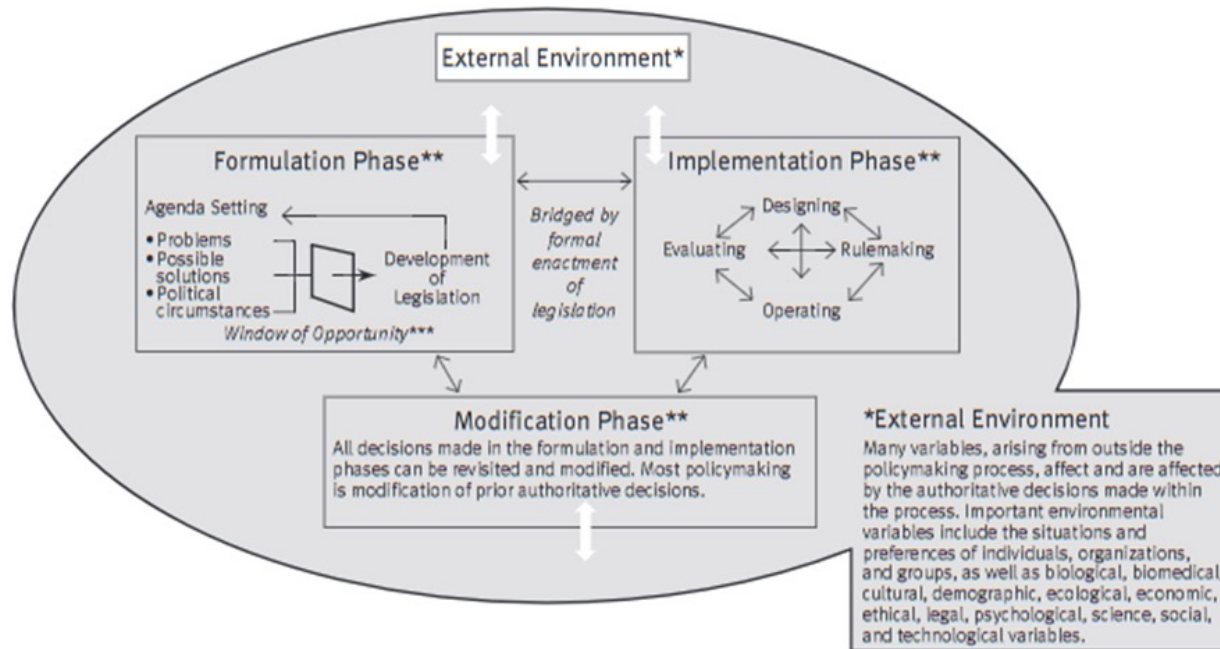


Kingdon's Agenda Setting

Policy Stream Convergence



Three Phases of Policy Making Process

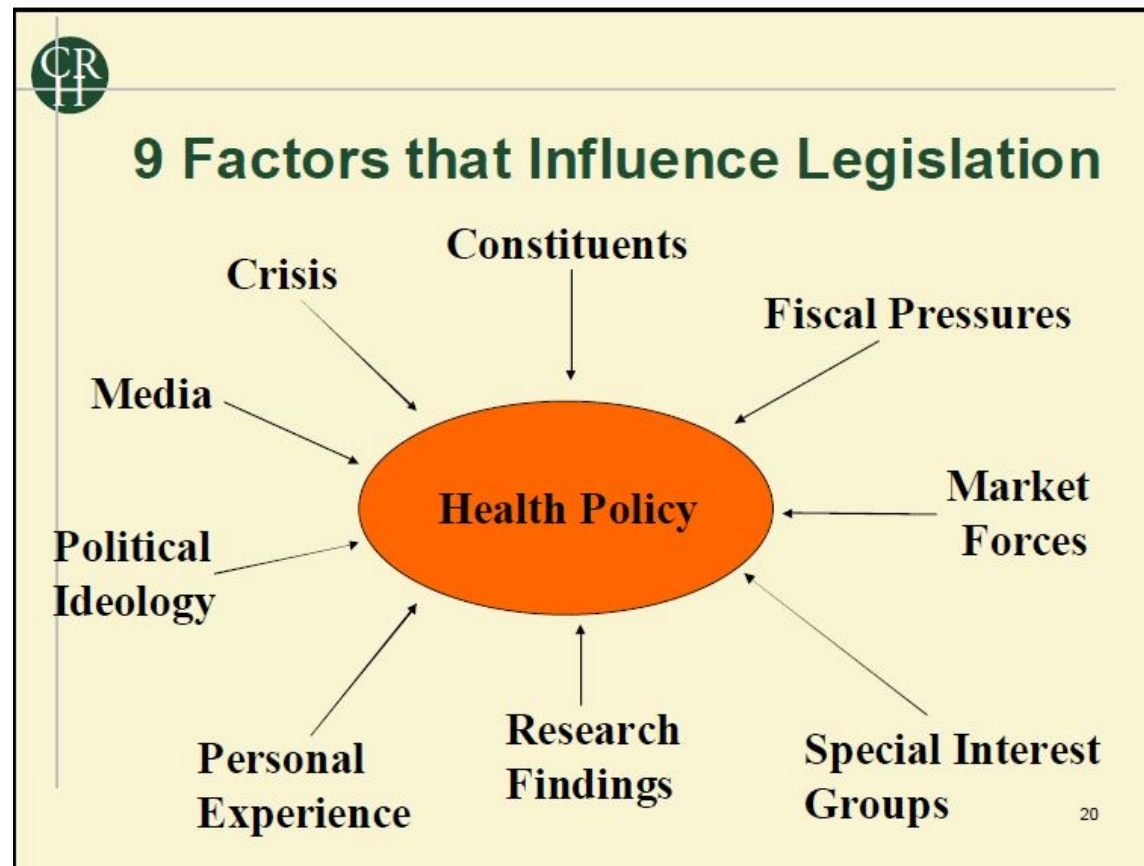


**Policymakers in all three branches of government make policy in the form of position-appropriate, or authoritative, decisions. Their decisions differ in that the legislative branch is primarily involved in formulation, the executive branch is primarily involved in implementation, and both are involved in modification of prior decisions or policies. The judicial branch interprets and assesses the legality of decisions made within all three phases of the policymaking process.

***A window of opportunity opens for possible progression of issues through formulation, enactment, implementation, and modification when there is a favorable confluence of problems, possible solutions, and political circumstances.

Longest, B. B. (2016)

Factors That Influence Policy



Factors That Influence Policy

Crisis

- Pandemic

Media

- Mass Shootings

Political ideology

- Tax policy

Personal experience

- Support for LGBTQ

Constituents

- Only need to be reelected

Fiscal Pressures

- Inflation/ Recession

Market Forces

- FTC Policy Perspectives

Special Interest Groups

- Funding for Solar Energy

Research findings

Moving Policy Forward

If You're Not at the Table, You're on the Menu

- VOTE!!!!
- Belong to a professional organization
- Support a Political Action Committee
- Support a candidate
 - Knock on doors
 - Make phone calls
- Run for office