



## **State Implementation of National Health Care Reform Strategies for Public Outreach**

The passage of the *Patient Protection and Affordable Care Act* of 2010 (PPACA) represents a historic victory for American families. The successful enactment of comprehensive national health care reform after a century of failed attempts was the result of unwavering dedication and effort by a wide array of committed players, including a strong, coordinated and organized consumer advocacy community that was able to mobilize thousands in support of health reform.

While the long debate in Congress is behind us, in many ways, our work has just begun. Input from consumers is equally as important to the dialogue during implementation of national health care reform as it was during the debate, and for many of the same reasons. Special interests such as insurers, hospitals, pharmaceutical and medical device companies, and large businesses will continue to be very engaged as implementation moves forward. We must ensure their message is balanced with the perspective of consumers. States will become the main setting over the next several months for attacks on the law – something many states are already facing. Although there is strong evidence these attacks are based more in electoral aspirations than legal merit, they are nonetheless an important consideration. After working hard to pass health care reform, we must ensure the most effective and successful implementation of its many provisions in order to fulfill the law's promise, while guarding against opponents' attempts to repeal or weaken reform.

While states have varying political and economic environments, there are common lessons and strategies that can be tailored and successfully used across many different settings. Defending this unprecedented law will require a two-pronged strategic approach: proactive (public education, organizing and mobilizing new and existing partners, and building support for the law) and reactive (responding to attacks on the law, protecting Medicaid). This document focuses on the work of getting positive information about the law to the public, to existing and potential partners, and to the media. You will find suggestions for engaging those populations, as well as key messages that are designed to help you talk about reform in all of your work as the debate moves from Washington, DC to the states.

### **Proactive Defense**

#### **Public education**

It has been said that the best defense is a good offense. Polls show the public is confused about national health care reform; they do not know what is in the law and are wary of the changes to come. At the same time, polls show there is a 'persuadable' audience (about 40 percent of the voting public, especially independent voters, women, seniors and Hispanics) – those Americans who currently say they do not yet know enough about the law to have a position on it. This presents a clear and critical opportunity for strong public outreach and education.

Regardless of whether your state has filed legislation against national health reform, put a question on the ballot challenging the law, joined a lawsuit against the federal government, or is

proactively planning and preparing for the changes to come, the following strategies are critical to showing the community what they stand to gain from reform and to ensuring that accurate, timely information is part of the public discourse.

Throughout the implementation rollout, it is important to familiarize yourself with the law's provisions, particularly those of most importance to consumers in your state. Make sure both the consumers directly affected and the general population are aware of these improvements. The following strategies will help you to reach the public and get the word out about how people are being helped. This will help to build public and, by extension, political support for the law.

In the short term, there are several provisions that take effect right away, or within the first year. These "quick wins," which can be found in Community Catalyst's recently developed [fact sheet](#), present a critical opportunity to gain public support for reform right away. Some examples of populations that will see benefits early include seniors, small businesses, children with pre-existing conditions, and young adults. State advocates must plan to take full advantage of the public education and earned media opportunities that immediate, positive changes present during this critical time.

*Organizing:*

- **Identify partners** – It is important to continue to engage the many partners that you worked with during the national health care reform debate. Implementation may also bring opportunities to pull in potential new partners beyond consumer health advocates who you may not have reached during the debate and who may be seen by the public as trusted sources of information on the law. These include:
  - Friendly media outlets
  - Provider organizations
  - Senior organizations, such as AARP
  - Local small business groups
  - Student organizations (high school, college and medical school)
  - Parents of children with special health care needs
  - Diagnosis-specific advocacy organizations
  - Faith organizations
  - Unions
- **Identify quick wins and key constituencies** – Think about the groups that will be helped by the immediate provisions in the law and those who are considered the most persuadable on reform. Figure out how you can best reach those populations in your states. Examples include:
  - Women
  - Seniors and early retirees (senior centers, AARP)
  - Small business owners (local chambers of commerce, Small Business Majority)
  - People with chronic health conditions (voluntary health organizations, American Cancer Society, American Diabetes Association)
  - Children (children's advocacy organizations, pediatricians, Family Voices)
  - Young adults (colleges, Young Invincibles)

- Medical students going into primary care
  - Community health centers and other safety-net providers
- **Hold public events** – Reach out to these groups and partner with them on public events to demonstrate the benefits of reform. It is important to note the timeframe for roll-out of benefits. For example, rebate checks for seniors in the Medicare prescription drug coverage gap will begin arriving in June 2010, and there are many provisions set to take effect in September 2010. Use the timeframe as a planning guide for your public events. Some possible ideas:
  - Education session at your local senior center to explain what health reform means to them – or to celebrate the refund that Medicare Part D recipients in the prescription drug coverage gap, or “doughnut hole,” will receive this year.
  - Information table at a local university’s job fair to let graduating seniors know that, as of September of this year, they will be allowed to stay on their parents’ coverage if they can’t find a job that offers health benefits.
  - Celebration event at a community health center (CHC) to bring attention to the number of people in your state who will be helped by the increased funding for CHCs.
  - Give a presentation at your local medical school, explaining to students the new benefits offered to them if they choose primary care.
- **Collect stories** – Throughout your work to educate the public and engage the media, it is important to always be thinking about collecting the stories you hear from consumers. A story bank allows you to give a human face to the many provisions in the law. It also gives you a chance to connect with the people who are being helped and to engage them in your efforts. See Utah Health Policy Project’s [Utahns Speak Up](#) page for an example of how to collect and use stories in your state.

*Media outreach:*

- It is very valuable to communicate positive messages if your organization is credentialed as an expert source on health care and the needs of consumers. Use our [template](#) to send an expert advisory to all local and state media outlets.
- As you plan public events, be sure to send a media advisory to all local newspapers, television stations and radio shows. If your event receives media coverage, your message will reach well beyond the attendees of your event.
- Be sure to use one of the fastest and most cost-effective ways to get your message out to the general public: letters to the editor in local newspapers. These [templates](#) can be tailored to fit many constituents in a variety of situations.
- It is also very effective to recruit supportive community leaders to submit Op-Eds on why health care reform is good. For instance, South Carolina Healthcare Voices linked to an [Op-Ed](#) written by one of their key partners, Frank Knapp of the South Carolina Small Business Chamber of Commerce, about how small businesses will benefit.

- Use technology to your advantage. The Internet, in particular blogs and social networking sites, provides a fast and inexpensive way to get your message out to the public.

*Key messages:*

The following messages are fairly general and focus on the benefits of reform that resonate with the public, such as coverage for people with pre-existing conditions and small business benefits. Use these messages whenever you speak about reform to the public and the media. They will also be useful, with some minor tailoring, at public events, like those listed above.

- The new law gives families peace of mind, because it guarantees their insurance will not be taken away, even if they lose a job or if their health status changes.
- In the past year, our government provided access to health care for four million more American children, expanded care provided by rural community health centers, and guaranteed that people who lose a job and health insurance can keep affordable COBRA coverage. This law builds on these successes.
- Small businesses are the key to economic growth and recovery, but rising health care costs hamper entrepreneurial efforts. The new law provides tax credits to small business owners to finally make insurance affordable, which will encourage business development and growth.
- Runaway health care costs have been bankrupting our families, our businesses and our country. We needed this law to reform our health care system so that it works for all Americans.
- The new health care reform law will crack down on insurers who deny people care when they have pre-existing conditions or drop people when they are sick. It will improve care for children with special health care needs, strengthen Medicare and help seniors struggling to pay for their medications.
- America's hospitals and doctors are the best in the world, but our health care system left many families physically and financially unhealthy. The new law means that health care will no longer cost too much, medical debt won't bankrupt hardworking families, and people with pre-existing conditions will no longer be denied insurance.

It is also important to keep in mind the longer-term strategy. There are many provisions that do not take effect until as late as 2014, but that are nonetheless very popular with the public. These include eliminating exclusions of people with pre-existing conditions, limiting what people spend on health care costs, and closing the Medicaid prescription drug coverage gap known as the "doughnut hole." See Community Catalyst's [two-page summary](#) of the law for highlights. It is possible that consumers who do not see immediate benefits will believe that national health care reform has failed them, because they do not understand the timeline for implementation. It is imperative that we continue build and maintain public support until full implementation is reached by educating the public about what to expect.

### **Additional proactive strategies**

In addition to strong public education campaigns, there are a number of other opportunities for proactive defense that state advocates should be poised to take advantage of as implementation progresses.

- **Participate in voter registration drives** – As we know, many of the challenges to national health reform are, at their core, electoral strategies. While 501c3 organizations are prohibited from conducting electoral campaigns, we are within our legal bounds to participate in voter registration drives, ensuring that supporters of reform turn out to vote for pro-reform candidates who will protect the law from attempts to repeal.
- **Develop implementation priority agendas** – There are a wide variety of new opportunities available to states in reform. It is important that states think strategically about the preparations they must make in order to remain within the law and, additionally, the opportunities made available to states through grants and pilot programs, of which they may wish to take advantage. Consumer advocates are in a unique role to help states think about which opportunities will most benefit the state's consumers.
- **Participate in decision-making bodies** – The new law creates a variety of new boards and commissions, and uses existing ones, that will be making key decisions throughout the implementation process. The consumer voice is critical in these conversations. Consumer advocates must proactively identify and take advantage of these opportunities to participate.
- **Document progress** – To both to show successes and to identify challenges, consumer advocates must monitor and document changes as they are implemented. Publicizing victories and shedding light on difficulties are key to successful implementation and public support.

### **Additional resources:**

- Community Catalyst's [\*Building on the Foundation: Consumer Advocacy's Role in Successful Health Care Reform\*](#)
- [Herndon Alliance](#) for additional, issue-specific messaging
- [Center for American Progress](#)
- [Center on Budget and Policy Priorities](#)

### **Reactive Defense**

Throughout the campaign for national health care reform, advocates were (rightfully) careful to stay positive and not fall into a pattern of debating the law in terms set by the opposition. Now that the law has passed and attacks can be expected to continue, and even intensify, this strategy remains important. However, as was true during the debate, there are times when we must engage in productive debate and defend the new law and existing programs against attempts to reverse progress.

### **Countering legal and legislative challenges**

The legal and legislative challenges taking place in the states come in several forms: state legislation, ballot initiatives, and lawsuits. As of the writing of this document, 39 states have proposed legislation, a referendum, or constitutional amendments challenging the

constitutionality of national health care reform. In addition, 20 states have joined legal battles challenging the law. The underlying legal premises of the lawsuits and ballot measures are very shaky. They should be seen primarily as political vehicles to mobilize opposition and impede implementation. Countering them will require a mix of organizing and communications strategies:

*Organizing:*

These kinds of challenges are receiving a lot of attention from the public, the media and policymakers. This represents an opportunity to engage supporters of reform and mobilize them to take action in support of full implementation in your state. Ideas include:

- Some states have had success gathering signatures for a public petition opposing the efforts of their attorney general. For instance, [Florida CHAIN gathered more than 7,300 signatures](#) opposing their attorney general's lawsuit and hand delivered it to the office, created a visual and a media hook. These efforts organize and mobilize a base of reform supporters willing to speak out in defense of the law.
- A sign-on letter from consumers, partner organizations and high-level supporters (commonly referred to as "grasstops") in your state presents an opportunity to show the broad support for reform and to pull in potential new partners. Think through local unions, hospitals, businesses and supportive insurers who could be engaged in the effort.
- It is important to identify and engage members of your community who will be seen as knowledgeable and authoritative on this complicated and ambiguous subject matter. Build relationships with supportive constitutional experts who can testify at legislative hearings and explain the issue in a way that the public will understand.

*Media outreach:*

The media will no doubt provide continuous coverage to these challenges. It is very important that both sides of the debate are heard in the news. Examples of how to achieve this:

- Hold press conferences with experts, Members of Congress and/or consumers who will be helped by the legislation to talk about why they support reform.
- Coach supportive community leaders and legal experts to speak with the media about the legal merits of the law, what reform means for consumers, and why they feel it is critical for the state.
- Recruit those same experts and community leaders to submit letters to the editor explaining why they believe the law is constitutional and why they support its full implementation in your state.

*Key messages:*

As we cautioned above, it is important to keep the message about reform positive and not fall into a trap of debating the law on the opposition's terms. If you must respond to

negative messaging, the bullets below are designed to help you do that and quickly pivot back to the good things that reform will do for people.

- While every individual has a right to question federal policies, the motivation for these legal challenges appears to be derailing reform and maintaining the status quo. We need to address the problems in our health care system, including growing numbers of uninsured and underinsured people, denials of care, and exclusions from coverage because of pre-existing conditions.
- The challenges appear to rest on weak legal ground. The federal courts have consistently upheld the power of Congress to regulate, tax and spend. These powers underlie the major provisions of health care reform. Health reform is in the best interests of the nation, and it will provide health security for millions of people.
- Many states have not adopted widespread reforms and are not likely to pursue them in the near future. Standing in the way of national reform would deny millions of people access to quality affordable health care.

*Resources:*

- Community Catalyst's [Legal Challenges to Health Care Reform are Unfounded](#)
- Community Catalyst's [Fighting Legal Challenges to Health Care Reform](#)
- [National Health Law Program \(NHeLP\)](#)
- Progressive States Network's [ALECFail.com](#)
- [Ballot Initiative Strategy Center](#)
- National Conference of State Legislatures' [State Actions to Implement Federal Health Reform](#)

### **Defending Medicaid and retaining current reforms and expansions**

All states, regardless of political environment, are facing very difficult economic challenges. In fact, fiscal year 2010 saw budget shortfalls in 48 states. Existing programs, such as Medicaid, are particularly vulnerable to cuts when states must balance their budgets. These programs, which primarily serve vulnerable populations, are the foundation for expansions found in the new health care reform law. Difficulties financing current programs will be framed as evidence that states cannot afford to implement national health care reform. It is critical that advocates defend and maintain existing state coverage, even in difficult budget times.

*Organizing:*

Defending current programs and fighting against cuts provide a good platform for a campaign that can bring in many different stakeholders, such as:

- Provider groups (including hospitals, community health centers and medical professionals) who have a vested interest in keeping current levels funded and could be pulled into a campaign.
- Consumers and organizations that will be directly affected by cuts: children, seniors and people with disabilities.
- Businesses that will be hurt by budget cuts. For instance, a Denver business organization has come out strongly against revenue measures in Colorado that would result in catastrophic budget cuts, and so far it has raised an almost \$1M war chest with the election six months away.

*Media outreach:*

If Medicaid cuts are being discussed in your state, it is likely the media is covering those considerations. This provides an opportunity to gain some earned media around the issue and educate the public about the importance of maintaining current programs. Specific ideas include:

- Distribute a [press availability](#) credentialing your organization as an expert resource on issues affecting consumers in the health care system.
- Hold press events with your key partners and invite consumers who can tell their stories about how potential cuts will harm them. In addition, publicize the concerns of providers who can attest to the negative health consequences, local officials who will describe community impacts, and others affected by the cuts.

*Key messages:*

The following messages are designed to dispel some of the common misconceptions about Medicaid and its recipients, and to show why cutting the program is not the answer to the current financial difficulties facing states. They are best used with policymakers during a Medicaid defense campaign if your state is considering or moving forward with cuts.

- **Cuts are unpopular.** Polls show the public views Medicaid as a necessity. Public opinion is not in favor of reducing the number of individuals served or reducing the types of services offered.
- **Cuts hurt people.** Children, older adults and people with disabilities are the primary beneficiaries of Medicaid. Cuts to the program could mean they do not receive the care they need – like check-ups, medicine, hospital and nursing home care, and long-term support.
- **Cuts are bad for the economy.** Medicaid acts as an economic stimulus, funding job creation and supporting spending by hospitals, physicians and various health services. Medicaid is also a way to draw down federal dollars to support the state economy.
- **Cuts are an ineffective approach to balancing budgets.** The federal government matches at least half of all state Medicaid spending – so states need to cut at least \$2 to save \$1. Many states receive higher federal matching rates and need to cut even more to see savings. The actual net savings of the cuts is not likely to balance state budgets or outweigh the long-term harm.
- **Protect Medicaid!** Economic downturns mean more people turn to Medicaid for health coverage. Medicaid cuts can limit access to health care services and reduce quality of care for consumers. The time is now to defend against Medicaid cuts.
- **There are alternatives.** Improving care coordination, reducing unnecessary hospitalizations and stopping payments for preventable medical errors are all ways to lower costs without cutting vital programs.

Although Medicaid is a common target for cuts to balance the state budget, the public tends to be supportive of the program. When you need to enlist the support of the public, the most effective messaging emphasizes that Medicaid is a program that

provides coverage for hardworking Americans who just don't earn enough money to purchase coverage on their own.

*Resources:*

- Community Catalyst's [Medicaid Defense Toolkit](#)
- Families USA's [Medicaid page](#)