

SECTION 1

Introduction to Health Policy Management

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CHAPTER 1

The Basics of the Policymaking Process

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► Introduction

Policymaking in the United States is complex. Policymakers are key stakeholders in the process and aim to solve problems and improve the quality of life for their fellow citizens. Before anyone can understand the policymaking process, it is imperative to define the term *policy*. Scholars have defined the term *policy* in many different ways. For the sake of consistency in this textbook, “a policy is a rule to guide decisions based on good intent and societal values when dealing with a matter of public concern” (Hyde, 2017, p. 3).

► Who Makes a Policy?

Policies are made by private actors, government entities, and authoritative decision-makers. Government entities play a large role in the policymaking process, but they are not the only key players. For example, private actors, such as an insurance company that decides to cover certain health prevention measures or the Gates Foundation, which provides grants to improve the nutrition of people in developing countries, all make health policy decisions (Teitelbaum & Wilensky, 2017). Whether the person making the policy is a private or government entity, the decision being made must be authoritative (Teitelbaum & Wilensky, 2017). Policymakers have the power to motivate others, create plans for the future, and implement decisions, which is essential in the policymaking process.

► Why Do Policies Get Made?

The main reason to create a healthcare policy is to address a problem, need, and/or public concern. If the problem goes beyond a singular person or entity and affects the larger community, a policy might be needed (Teitelbaum & Wilensky, 2017). For example, states are enforcing policies that ban e-cigarettes because they have become a problem and public concern. However, just because there is a problem affecting the public does not mean that the federal legislative branch needs to start the policymaking process. For example, demand for flu vaccines sometimes exceeds supply. Although there are government solutions to this problem, such as CDC-oriented interventions, other avenues are also available. Private research institutes can use their own funding and grants to help with the shortage of flu vaccines. Ultimately, private actors and government entities are both key players in the policymaking process.

► The Policymaking Process

All policies are authoritative decisions made through a complex process (Longest, 2016). Various branches of government play a role in the public policymaking process by setting the agenda and implementing the policy decisions that deal with matters of public concern. At the federal, state, and local levels of government, policymaking occurs in three interrelated and cyclical phases: policy formulation, policy implementation, and policy modification (Longest, 2016). Policy formulation includes agenda setting and development of legislation; policy implementation consists of designing, rulemaking, operating, and evaluating procedures; and policy modification involves revisiting and modifying prior decisions (Longest, 2016).

The cyclical phases of the policymaking process run on a consistent basis. Once a policy is implemented, the task of maintaining it and ensuring the law is relevant and efficient becomes a task in itself. Termination of policies does occur often due to policymakers' shifting goals, values, beliefs, and priorities (Bernstein, 2017). When new issues arise, the policymaking process begins again with policy formation and agenda setting. The cyclical phases help governing bodies successfully address new and important challenges (Bernstein, 2017).

► Federal Policymaking

The federal government comprises three branches: the executive, legislative, and judicial branches. There are main policymakers in each branch of government, and each is tasked with different duties in order to implement policy.

The president is the main policymaker of the executive branch (Porche, 2019). The president and his or her staff, which includes advisors and cabinet members, identify issues of public concern. The advisors and cabinet members transform the public concerns into policy options for the president to consider.

The legislative branch of the federal government is responsible for enacting "necessary and proper laws" (Teitelbaum & Wilensky, 2017). Congress, which is part of the legislative branch, is granted all legislative powers, meaning Congress

decides which laws are passed. Congressional responsibilities are completed by two chambers: the House of Representatives and the Senate. Legislators from the House of Representatives and the Senate are elected officials. Legislators have the responsibility of voting for policies that are in the best interest of the people they serve. Not only do they vote for the policies, but these officials are the primary drafters of policy and legislation.

The Supreme Court is in charge of the judicial branch of the federal government. The main duty of the judicial branch when it comes to policymaking is to interpret the law and determine its constitutionality (Porche, 2019). This sets a precedent for policy development. Judicial policies are established through the interpretation of laws, the Constitution, and the rules of executive agencies (Porche, 2019). Supreme Court justices often use the intent and meaning of policy during judicial hearings and discussions, which in turn impact future policy implementation.

► State Policymaking

Important policy decisions are made at the state level. Each state's government is similar to the federal government when it comes to policymaking duties. Each state has three branches of government. Legislatures pass laws, and the judiciary system has trial and appellate courts (Teitelbaum & Wilensky, 2017). The governor is the head of the state executive branch. One of the governor's duties is to set policies, including health policies that are a matter of public concern. The governor also has the responsibility of appointing members of the cabinet and state administrative agencies to regulate and implement state laws.

Unlike the federal government, most states are required to have a balanced budget (Teitelbaum & Wilensky, 2017). If the budget is not balanced, states will raise revenue or cut programs. Money can be shifted and allocated to other programs to help balance the budget. States try to prevent cutting programs and shifting money due to decreased funding and negative public turmoil, but oftentimes, it is unavoidable.

In terms of health care, states do oversee professional licensure. For example, states regulate nursing and medical licenses. Each state has their own requirements and regulatory boards that oversee these medical professionals. However, state-level policymaking is an in-depth process; there are limits to a state's power to enforce health policies. Making substantial change to and also initiating, implementing, and enforcing a health policy is a profound process in a state government.

► Summary

As you read in this chapter, the policymaking process is extensive. Various people are active players and key stakeholders. In the United States, policies are implemented to alleviate a problem, fill a need, and/or address a public concern. The federal and state governments play a large role in enacting health policies. The case study scenarios accompanying this chapter explain policymaking from different standpoints. These case studies show the diversity of policymakers, legislation, and the time it takes for policies to be implemented. Below are important terms relating to this chapter's content to assist in analyzing the case studies.

Key Terms

Agenda Setting is the longest and most complex aspect of the policymaking process. The series of actions include defining the problem, germinating a policy, and developing ideas toward legislative development.

Executive Branch is responsible for implementing and enforcing the laws.

Judicial Branch interprets the law and determines its constitutionality.

Legislative Branch consists of the two houses of Congress: the Senate and the House of Representatives.

Legislative Process includes the development and submission of legislation to one of the legislative chambers by a policy entrepreneur.

Modification Process is the last phase of the policy process. This is the review and refinement phase.

Office for Civil Rights (OCR) enforces laws against discrimination based on race, color, national origin, disability, age, sex, and religion.

Operations Process begins once the bill is signed into law by the executive and becomes the duty of the executive.

Policy is a rule to guide decisions based on good intent and societal values dealing with a matter of public concern.

Policymakers are private actors, government entities, and authoritative decision-makers.

Policymaking Process is a decision-making process that includes policy formulation, policy implementation, and policy modification.

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 **CASE 1-1**

Renaming Streets: Influencing Political Change

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Since 2016, the push to officially remove Confederate monuments, flags, street names, and symbols from the public environment has been a matter of increasing political debate. According to Strother, Piston, and Ogorzalek (2017), the symbolic representation of Confederate leaders has fomented a debate on “heritage verse hatred” or “pride versus prejudice.” In an effort to explore the concepts, Strother, Piston, et al. (2017) employed various facets that analyzed the situation, in addition to historical ramifications affiliated with Confederate leaders.

In 2016, a municipality in South Florida became entangled in the nationwide debate when the city mayor and commissioners received appeals from Mr. Jones, a community activist and think tank leader, to rename Confederate streets that ran throughout the city, especially in African American communities. Because those names represented physiological and psychological suppression of a minority population, residents wanted them renamed.

Specifically, in May 2016, these South Florida community residents, including Mr. Jones, requested the city rename Nathan Bedford Forrest, John Bell Hood, and Robert E. Lee Streets, which honored Confederate leaders responsible for the death of African Americans, Whites, and others during the American Civil War. The request was presented to the city’s Minority Advisory Council (MAC) in June 2016 by the mayor, city commissioners, Mr. Jones. The MAC’s task was to provide recommendations on two points: (1) Should the city commission rename Forrest, Hood, and Lee Streets? (2) What steps should the city commission take concerning the matter? The MAC chair, a PhD healthcare professional, led the opine request with the support of the city staff liaison. Although this was a city matter, national attention meant that the issue had to be handled with dignity and respect for the residents.

The Minority Advisory Council (MAC) and Local Process

The following items were provided to the MAC to assist with the decision-making process: (1) a copy of an interoffice memorandum dated December 2015 from the chief civic affairs officer to the mayor and commissioners concerning the matter, and (2) the political process presentation on street renaming by the city’s staff liaison. The presentation included (a) the importance of street names; (b) the controversy concerning Forrest, Hood, and Lee Streets; (c) the standard criteria for street renaming; (d) flexibilities that could be recommended to the city commission on street renaming; (e) the impact that street renaming would have on residents and businesses, especially those with abutting streets; and (f) finally, examples that outlined the standard cost of the applicant/petitioner process for pursuing street renaming.

To understand the street renaming process, the MAC chair, council, and city staff liaison reviewed the city’s standardized process intensely. The council understood that in order to prevent further conflict, standardized policies on street naming were paramount for setting the street naming criteria. Examining various explanations on what constituted a street name was vital to the advisory council opening. Two naming conventions were considered by the MAC for the renaming process: (1) grid systems—in a grid plan the streets are named to indicate their location on a coordinate plane such as numbers or letters, and (2) distinguished or famous individuals—to commemorate a person who lived or worked in that area or a major historical figure. The African American communities that Forrest, Lee, and Hood Streets ran through included young, impressionable children striving for educational and social advancement. These children and their parents wanted the streets named after positive role models who were familiar to residents and promoted upward mobility in the community (Strother, Ogorzalek, & Piston, 2017).

In this city, streets that ran east to west were named after U.S. presidents and famous military figures. There was no definitive rationale for the naming order except that the city's engineering department may have had draftsmen decide in the early 1920s. Forrest Street ran from the beach through three African American communities, in which the street name was used as an identifiable icon in the community.

Further, it was paramount that the MAC chair, council, and city staff liaison understand the financial impact associated with the street name change(s). Each name change would include (1) an application fee, (2) the required mailing cost for resident and business notifications, (3) the city recording cost, and (4) the cost of changing road signs, in addition to other administrative fees.

There are five (5) steps in completing the application fee and approval process for street naming:

1. *Valid signatures of two-thirds of the property owners* abutting the streets were required, although African Americans represented 17% of the property-owning residents (United States Census Bureau, 2016). Renting or leasing residents were not permitted to vote in the renaming process. If residential voting occurred, businesses and residents residing on Forrest, Hill, and Lee Streets would be given the opportunity to vote.
2. *Application fee of \$2,000 per street* (i.e., totaling \$6,000). Changing the street names would impact street signs and mailing. If the city commissioners and mayor approved the street renaming change at a 5/7 vote, the city would absolve the cost. If the city officials did not approve the street renaming by a 5/7 vote, the groups who submitted the application would inherit the cost. The total cost for the street renaming would be \$21,849.50.
3. *Submitted application to be reviewed by the city's naming committee.* Residents residing on Forrest, Hood, and Lee Streets received a city notice announcing an informational seminar on the process for renaming streets and the city's renaming committee role. The MAC and city commissioners/mayor received the training.
4. *City commission approval or disapproval.* The approval of the city commission required a 5/7 vote in favor of street renaming. The disapproval would be reflected by the non-5/7 approval vote. All fees could be waived by the city commission if they voted 5/7 in favor of the street renaming. This process would negate the need for valid signatures from two-thirds of property owners abutting the streets.
5. *The notification process to all city residents.* Residents will be notified during a special city council session of the new street names.

Because the MAC functioned as an advisory council to the city mayor, the city commissioners, and the city residents, it was imperative that the MAC allowed residents an opportunity to deliberate on the matter. The community provided various points for and against street renaming. The street renaming effort received support from several state and county officials, state representatives, the head of the sheriff's department, a public defender, the county property appraiser, and local clergy. The two-thirds property owner's nonvoters caused resident unrest and caused further deliberation at city meetings and with individual district commissioners and the mayor.

What Were the Next Steps?

Ultimately, the city commission voted 5-2 on the renaming of the street names, waiving the city's need to notify property owners of street name changes and the need for a ballot measure. A public renaming ad hoc committee was established for identifying suitable street names. The MAC chair established positive relationships that led to a change in the public policy process and interprofessional collaboration at all levels of city political processes. Political change is a paradigm shift relying on integrated relationships among stakeholders, including healthcare professionals, to build the best political outcomes.

Discussion Questions

1. What impact do street names have on residents residing on the them? Is this a concern for healthcare professionals?
2. Should healthcare professionals act as advocates in community political endeavors? Why or why not?
3. How can healthcare professionals influence political change at the local level?
4. What steps should the MAC chair (as a healthcare professional) take to ensure a continuous positive relationship with the city commissioner?

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CASE 1-2

How Policy Is Made: A Process Model

Raymond J. Higbea & Gregory A. Cline, PhD

This case study examines the policymaking process through the use of a process model (see **FIGURE 1-1**). Although this model divides the policy process up into four categories of actions, which include agenda setting, legislative development, operations, and modification, one has to be cognizant that this is a very dynamic process with constantly moving actions within and among the four categories. The policymaking process is best understood within the context of the four categories of action coupled with an example to explain how the process works. For this case study, the health insurance exchanges in the Patient Protection and Affordable Care Act are provided to illustrate the actions in each of the four categories.

Agenda setting is the longest and most complex of the policy process categories, encompassing the time from the definition of a problem and germination of a policy idea to legislation development (Longest, 2016). In total, this process may span 10 to 50 years, with a mean time of 20 years. First, a problem is socially constructed and raised to the level of a public problem when there appears to be no reasonable private solution. Next, a series of interest groups, individuals of interest, and political leaders develop public solutions and state experiments addressing the problem that are aligned with their political philosophy. Finally, when the political situation is conducive (due to an actual or orchestrated event and/or alignment of a political party in the legislative and executive branches), the political solution progresses from a political proposal to legislation.

The *legislative process* includes the development and submission of legislation to one of the legislative chambers by a policy entrepreneur. Once the legislation has been submitted, the chamber leader can choose to either not advance the legislation or forward it to the appropriate committee(s). During the committee process, the legislation is thoroughly

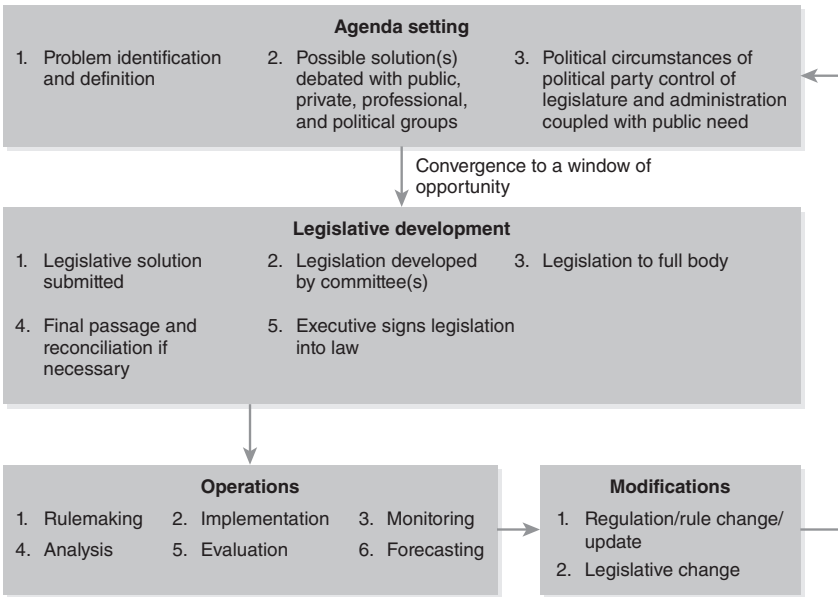


FIGURE 1-1 The Policy Process Model

read, marked up, and voted on. If a majority of the committee does not vote in favor of the legislation, it normally dies there. However, if the leadership has a strong favorable opinion of the bill, it can pass to the full chamber. When the committee votes in favor of the legislation, it passes back to the chamber leadership that will then proceed to whip up sufficient votes to support the legislation before returning it to the full chamber. If the legislation does not pass by the margin set by the full chamber, the bill dies. However, if the bill does pass by the margin set by one chamber, it moves to the other chamber that must agree, write new legislation, or ignore the bill. Once both chambers agree and pass the bill, it moves to an executive who either vetoes or signs the bill.

The *operations process* begins once the bill is signed into law by the executive branch and becomes the duty of the executive to “take care [to] faithfully execute the laws” (U.S. Const., Article 2, Section 3). Laws are “faithfully executed” by the executive branch through processes that include rulemaking, implementation, monitoring, analysis, evaluation, and forecasting. While these are all very detailed and sequential steps, they also add to the dynamism of legislation; no law is static but rather is always undergoing review and refinement.

The dynamism of review and refinement results in *modifications*, the last and final stage of the policy process. As laws are “operationalized,” consequences—intended and unintended—surface that need to be addressed if the law is to continue to be successfully executed. Depending upon what evaluation and analytic results show, problematic concerns may be addressed by rule and regulatory change. If so, the executive goes through the process of notification and consent through the *Federal Register* to ensure all parties have the opportunity to comment prior to implementing any changes. If the necessary changes require new legislation, the problems or concerns head back through the policy process with the executive branch working with congressional leaders to develop legislation to address the concerns.

FIGURE 1-2 provides a summary of how the health insurance exchange idea has moved through the policy process. As discussed above, agenda setting was the longest phase (20 years); the legislative process was the shortest at 9 months; implementation took 2 years;

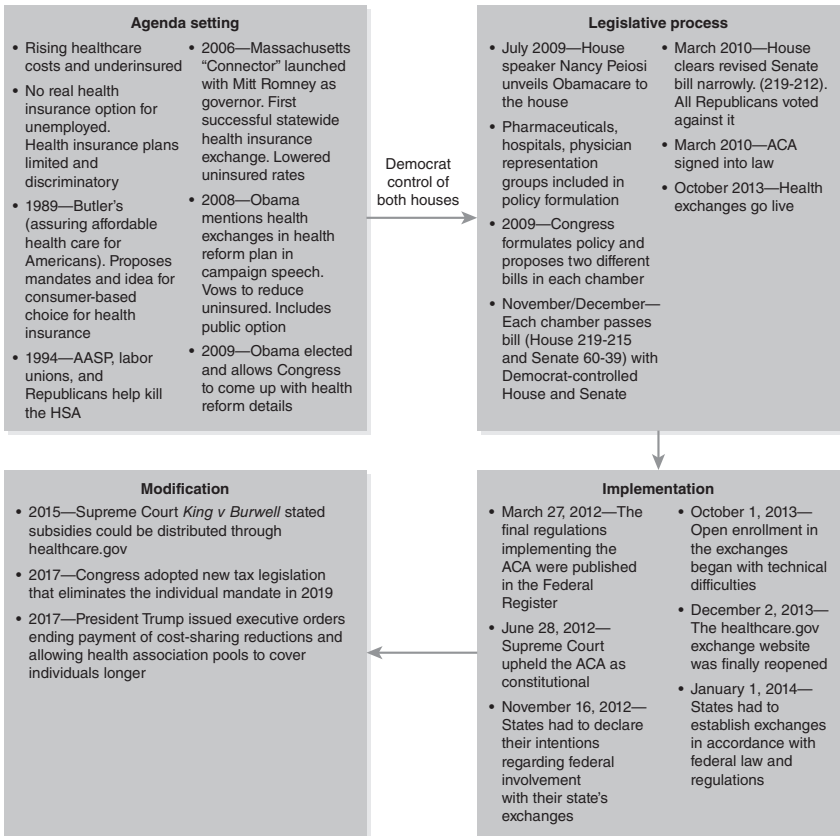


FIGURE 1-2 Health Insurance Exchange and the Policy Process

and modification, 2 years. This figure also illustrates how a multitude of political and nonpolitical actors influence the development and implementation of the health insurance exchange. A final salient observation illustrated by this figure is how all branches of government have been involved with health insurance exchanges at various stages of the policy process.

Discussion Questions

1. Based upon the above description of the policy process, how long should health leaders expect to work on a public problem before it becomes law?
2. Describe how health leaders were involved in the policy process that led to the passage and implementation of the health insurance exchange.
3. Were the modifications to the health insurance exchange regulatory or legislative? Explain.
4. Upon gaining an understanding of the policy process and through the example of how the health insurance exchanges work, what are the lessons for health leaders?

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 **CASE 1-3**

Policymaking for a Better Tomorrow: Stop the Bullying

Rachel Ellison, PhD

Susie Smith, a mother of three, lives in the suburbs of Orlando near the happiest place on earth, Walt Disney World. She has two sons and a daughter, ages 17, 14, and 9. They have moved around frequently, but they currently attend school in the Orlando area and have grown to love the city that they now call home. They know Orlando to be more than just a tourist city filled with mouse ears and never-ending traffic.

Susie's two older children go to the same high school, but her daughter attends a different school. Over the past few weeks, Susie has noticed her middle son is very withdrawn, emotional, and won't eat. She asks her oldest son if there is something going on at school that she should know about. He tells her that her middle son is being bullied by a group of kids at school. They steal his lunch, throw food at him, kick him, and say derogatory words, among many other terrible things. Susie is appalled by this and immediately goes to her son. Her son says that he is afraid to tell anyone about the bullying because of potential repercussions.

The next day, Susie takes her son to school and demands a meeting with the administration. Her son tells them everything that has been going on. To Susie's surprise, this has been going on for months. The bullies have been tormenting her son online as well as at school and at after-school activities. He has proof of all the interactions from emails and text messages. Susie's son drops a bombshell and tells her and the school administration that he has thought about committing suicide because he can't take it anymore. Susie is so devastated by this she decides it's time to take this problem to Washington, D.C.

Susie's first plan of action is to research policies and laws. She assumes there is already a federal policy on bullying, but what she finds shocks her. There is no federal law that is specific to bullying (HHS, 2018). When bullying is based on race, color, national origin, sex, disability, or religion, the U.S. Department of Education's Office for Civil Rights can get involved, but only in some cases (HHS, 2018). Research has been conducted both federally and on a state level regarding bullying. The statistics are alarming:

- 28% of U.S. students in grades 6–12 experience bullying
- 20% of U.S. students in grades 9–12 experience bullying
- 30% of young people have admitted to bullying others
- 70.6% of young people said they have witnessed bullying in their school
- 70.4% of school staff have seen bullying
- 62% have witnessed bullying two or more times in the last month
- 41% witnesses bullying at least once a week
- Only 20–30% of young people notify adults about bullying (HHS, 2018)

Many states have already taken action against bullying by getting policies signed into law. States have anti-bullying campaigns that run throughout the year to bring awareness to the cause. After doing much research into the state policies and laws, Susie decides to bring awareness to her own community. She finds that bullying is a major issue at her son's school. One out of four teens are bullied (Stomp Out Bullying, 2018). More students came forward after her son described the bullying he had endured. Susie sets up a support group for parents and students. She invites a congressman to one of the meetings, and because of that meeting, he decides to take the issue of bullying head-on. He agrees with Susie and

all the others who have been affected by bullying that this is a public policy concern. This issue goes beyond the individual and affects the greater community (Teitelbaum & Wilensky, 2017).

Policies at the state level are thorough, but they must be taken to the federal level if more protection is to be promised. Susie predicts that because state policies have been passed and laws were enacted, then federal policies and laws can be enacted as well. There is a lot of work to be done to get a policy created, but Susie has successfully passed the first hurdle, which is getting a politician to agree with her.

Discussion Questions

1. Why should a federal policy be made about bullying?
2. Choose two states and research their policies on bullying. Compare and contrast these policies. Are students protected? See <https://www.stopbullying.gov/laws/index.html>
3. Which branch of government will vote for the anti-bullying policy?
4. Are Susie and the congresspeople the best people to make the anti-bullying policy? Why or why not?

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