

If You Don't Do It, It Might Not Get Done

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I learned to keep a close eye on my state legislature several years ago, after the unexpected, desperate, last-minute, but ultimately successful battle waged by AAEM's Tennessee Chapter (TNAEM) to protect emergency physicians from restrictive covenants in employment contracts. I also learned that emergency physicians shouldn't rely on their state medical associations to do this alone. Although your state medical society's heart

may be in the right place, nobody outside our specialty — not even other physicians — truly understands our specialty. That lack of understanding is especially severe when it comes to the legal and economic issues that affect emergency medicine.

I was reminded of this truth when a bill that would effectively ban balance billing by emergency physicians and EDs was filed this year in the Tennessee legislature. (If you don't understand the significance of balance billing in EM, see my column in the last issue of *Common Sense*.) This didn't surprise me, since the insurance industry has mounted a nationwide effort to restrict or ban balance billing. In fact, I wrote my state representative (the Speaker of the House) and state senator (a physician) about this issue last December, just in case it came up when the legislature went back into session in January. What did surprise me when I saw the bill was this: the sponsors of the bill, in both the Senate and House, are physicians! How could this be? Obviously neither sponsor bears ill will towards his colleagues, and the bill didn't single out emergency physicians or care in the ED, so it wasn't an attack specifically on us or our specialty. The problem was innocent ignorance. Although both sponsors are physicians, neither had any idea of the disastrous effect their bill would have on emergency medicine if it became law. Now they do understand and are revising their bill.

Neither can you rely on your state chapter of ACEP to protect you. While AAEM and ACEP work together at both the national and state levels when our goals coincide, when the interests of corporations conflict with the interests of individual emergency physicians, it is my opinion that ACEP will sacrifice emergency physicians — even its own members — on the altar of corporate greed without a second thought. (If you doubt me on this, write a letter to the editor (www.aaem.org/publications/common-sense/letters-to-the-editor). The Academy, on the other hand, always takes the side of emergency physicians against any threat to our ability to take good care of patients and get paid fairly for that service.

What can you do to protect yourself and your livelihood from legislative threats? If there is a state chapter of AAEM in your state, one or more people in the chapter should be tasked with monitoring the state legislature, and staying in close contact with your state medical association. If you are in a big state like California, this will take more than one person. In a relatively small state like mine, one person can do it alone. If your state doesn't have its own chapter of the Academy, round up some like-minded emergency physicians and form one. It is easy: www.aaem.org/membership/chapter-divisions/form-a-chapter-division. If that

is impractical, then just do it yourself. As I said, in most states one person can watch the legislature for emergency medicine issues without help.

How do you go about keeping an eye on your state legislature? Start here: <http://www.govengine.com>. At this website you can select any branch of government in any state (or at the federal level, for that matter). For instance, I first click on *Tennessee*, then *Tennessee General Assembly*, then *Legislation*, and finally *Browse Bills by Subject*. I usually look for bills relevant to emergency physicians by using search terms like *physician*, *medicine*, *tort reform*, *health care liability*, etc. Fortunately almost every bill comes with an extremely short summary, and reading this tells me whether or not I need to read the bill itself.

If you find a bill that looks like trouble and are doing this on your own, without a state chapter of AAEM to go to for support, call or email the Academy and we will put you in touch with AAEM's Governmental Affairs Committee. You should also turn to your state medical association for help, which is why I strongly recommend that all emergency physicians join their local and state medical societies.

One last point: I can't emphasize enough how useful it is to have an **established** relationship with your state senator and representative when an issue comes up. Start building that relationship now. Write or email your legislators and offer to be a resource if they have questions about how something might affect emergency medicine. If you see in the news that they did something you agree with, write or email and tell them so. If they do something you disagree with, write or email and **gently** explain why you think it was a mistake. If you think your legislator is generally good, donate to his or her next campaign. Even a tiny donation of \$25-50 puts you on their radar. If you have a legislator who is exceptionally good for emergency physicians or actually is an emergency physician, let the Governmental Affairs Committee know — the Academy's political action committee (PAC) might want to donate to his or her next campaign. And if you don't know who your legislators are, you can find that out through www.govengine.com too.

Those who prey on us — corporate staffing companies, tort lawyers, insurance companies, etc. — are extremely active politically. And while the federal government may get most of the news coverage, most of the medical action is at the state level. So, get to know your legislators. Build a relationship with them. Join your state medical association. Join your state chapter of AAEM, or create one. Most of all, keep a close eye on your state legislature — not just your livelihood but also the quality of the care you deliver in the ED ultimately depend on it. You can't just assume someone is doing this for you. If you don't do it, it might not get done.

More on Restrictive Covenants and Grassroots Advocacy

1. <http://www.aaem.org/calendar/current-news/new---april-podcast-restrictive-covenants>
2. <http://www.aaem.org/search?cx=003334242142735534923%3Asovagp36zcy&cof=FORID%3A11&q=restrictive+covenants&sa=SEARCH>
3. <http://www.aaem.org/em-resources/position-statements/2007/restrictive-covenants>
4. <http://www.aaem.org/UserFiles/file/commonsense0706.pdf> (on page 15)
5. <http://www.aaem.org/UserFiles/file/commonsense1107.pdf> (on page 12) ■