

AmSECT Government Relations Committee's: Survival Kit for New State Liaisons

An Abbreviated Guide to Your New Responsibilities

Congratulations on your appointment as an AmSECT State Liaison!

This position is a critical link between perfusionists in each state, and the national organization. AmSECT State Liaisons are often appointed to their new position, and occasionally struggle with their new role and responsibility. You will likely find that the new Government Relations section of the AmSECT website is an invaluable resource, and contains information that has been specifically developed to assist your efforts to successfully pass a licensure bill in the state legislative process.

For those in states with established state societies, their function is primarily to serve as a link between the national organization and the state society, primarily in the area of government relations. This usually involves a great deal of communication with the GRC regarding activities of the Society, as well as relaying any concerns of the Society or the Government Relations Committee, presenting Society positions to state officials and authorities, representing the profession to allied medical professional groups in the state, and functioning as an advocate for licensure at the state level. For those individuals, step 7 will likely prove useful.

For State Liaisons that have not yet formed a State Society, the task is more comprehensive, and the initial 6 steps are designed to assist you.

Step One . . .Build Consensus:

It will be important to have a sense from you colleagues and other professional relationships that you may have, that there is support for a mechanism or forum to periodically discuss matters of mutual concern and interest to the profession. The most pressing issue that concerns most perfusionists is licensing. Contacting the community of perfusionists in your state is usually most easily accomplished through e-mail, and phone calls. AmSECT can assist in identifying perfusionists that are members.

Step TwoIncorporating as a Society:

Where to start, when incorporating as a State Society, is the first question that many new State Liaisons ask themselves. Assuming that sufficient support exists among your colleagues and other perfusionists you may know throughout the state, a good first step is to establish your organization as a nonprofit under the laws of your state. Only after such a corporation has been formed, can the process of applying for federal tax-exempt status begin. IRS publication 4220 offers a broad explanation of the federal side of this question.

A very good, and widely used handbook (good for all 50 states) is "How to Form a Nonprofit Corporation" by Anthony Mancuso. It includes a disk with prototypes of necessary incorporation documents. Another useful book is a new practical guide by a widely quoted legal expert: Bruce Hopkins, "Starting and Managing a Nonprofit Organization: A Legal Guide". Also, IRS publication 557 – "Tax Exempt Status for your Organization" is a detailed presentation of options and procedures for applying for federal tax exemption, and is available online.

You do not need an attorney to draft the necessary documents, although some societies have found it useful to have a lawyer review the forms before they are sent to the State and the federal government.

Step ThreeInitial Society Operations:

Questions often arise as to whether a nonprofit organization may operate before the state grants its charter. The short answer is that State law governs absolutely. An organization that does not yet have its charter from the State, does not exist, except as an association of its members. However, such an organization can likely solicit support for the costs of start-up costs for the group (i.e. incorporation, IRS filings, etc.).

It is quite normal behavior for nonprofits to begin operations before they get their federal tax exemption, since that process can take months. There is nothing wrong with a non-profit applying for grants or collecting dues before the IRS rules, as long as the interim status is disclosed.

Step FourBuilding Membership & Resources:

It is imperative during this phase to inform your colleagues of your new position of AmSECT State Liaison. It is also important to let them know that you are forming a State Society, and are seeking membership from throughout the State. It is vital to contact as many perfusionists as can be identified for a variety of reasons.

The AmSECT Government Relations Committee can help identify its members that reside in your State, and those individuals may have the email address or other contact information for others, who may not be AmSECT members. Other professional associations to which perfusionists belong is another source of information to compile your database.

Many State Liaisons successfully utilize Perflist as an initial means of communicating with potential members.

Step Five . . . Maintaining an Organizational Structure:

Included in the next steps will be maintaining a list of members, assessing membership dues, and developing a method of accounting for these funds, conducting organizational meetings, drafting bylaws and a mission statement for the new Society, and initiating “willingness to serve” applications to form a Board of Directors.

An interim, or temporary Board may be established in order to spread the work of forming a new Society among several individuals, but the bylaws should provide for an elected Board within a reasonable amount of time. The bylaws established in other states can be used as a model, and they are available on the Government Relations section of the AmSECT website.

Developing a Society website at some point, is usually a very useful tool in communicating with members, and provides an excellent source of information on activities, important events, and minutes from meetings.

Step Six . . . Providing Leadership/ Duties of the Board:

The selection of a Board is a critical component of a successful State Society. Among the most important responsibilities a Board must undertake are the following:

- Determine the organizations mission and purpose. There are many items that should be part of this statement. Protecting the scope of practice and elevating the profession through the pursuit of licensure should be prominent among these.
- Provide ongoing guidance and leadership on issues affecting the membership.
- Ensuring effective organizational planning
- Ensuring adequate funds & attempting to enhance the availability of resources
- Managing the resources effectively
- Determine and monitor the Societies programs and services to the members
- Enhance the organization's public image through outreach to the media, legislature and other professional medical associations
- Assess its own performance

Step Seven . . .Pursuing Licensing Legislation

The current healthcare environment for perfusionists necessitates organized and effective lobbying strategies and a determined effort on behalf of the profession. Important initiatives regarding reimbursement, professional recognition and scope of practice are being decided by lawmakers nearly every legislative session. AmSECT members need to be a part of that process in order to be assured that others do not define the scope and future of our profession on our behalf.

Strong and active state societies are critical to success in any campaign to gain licensure through the legislative process. Legislators will want to know that there is strong support for licensure from perfusionists in your state. They will also need to be educated on the qualifications and work of perfusionists and how licensure would add an additional layer of assurance of high quality medical care that will benefit their constituencies.

Generally, the steps that a Society will take when a decision is made to pursue licensing legislation is as follows:

- Build Consensus for a Society and for Licensure. Both these elements will prove critical to your success. It is important to have at least 50 percent of practicing perfusionists involved and in support of these efforts.
- Build resources through membership dues. It will take funds to sustain a Society and to pursue licensure. Dues are the primary means of

accomplishing this objective, but many Societies have found that registration fees from meetings can be an additional source. AmSECT may have developmental grants available to assist as well. Please check the GRC section of the AmSECT website under “Resources” for an application and information.

- Develop a Strategy. It is not necessary to develop a formal strategic plan, but it may help to map out what you hope to accomplish along with a timetable. It is important to know when your state legislature meets, and what their timeframe is for the upcoming legislative cycle. Several state legislatures that do not meet until next year may already be accepting pre-filed bills, and have begun holding committee meetings and hearings in anticipation of the next session.
- Identify key players in the process. It will be important to learn the key legislative players and staff that can have an impact on licensure of healthcare professionals. It is also important to determine who the other medical associations are that have influence in the legislative process, (typically the hospital association, the state medical association, the state Department of Health etc.) and make contact with them. It will be important to advise them of your interest in pursuing licensure, and to seek their support. Often, merely having them take a neutral position in regard to licensing perfusionists is an asset.
- Complete the Sunrise Survey (required in many states). A Sunrise Survey is a document that many legislatures require of healthcare organizations seeking licensure status. It requests considerable detail regarding your Society, information indicating both internal and external support for licensure, data indicating the need for this bill, and much more. Check with your state legislative committees to determine what the specific requirements may be for your state.
- Discuss your interest in licensure with legislative committee staff and local legislators. It is often helpful to spend time talking to health committee staff if they are most likely to handle the bill in your state, as well as your local legislator. In many states, legislators spend a great deal of time in their district and have a constituent office in a nearby location. It is wise to discuss your interest in licensure with them, regardless of whether they may serve on a committee that will consider your bill. They may prove to be a strong advocate on the floor of the House or Senate when your bill is scheduled for discussion. It is a good idea to prepare a short briefing paper for members of your Society (the GRC has material available also), and have them schedule a meeting with their local legislator. If this is

done statewide, you will have some strong allies in the legislature in support of licensure.

- Hire a lobbyist. While it is true that at least one state has been able to pass a licensing bill without the assistance of a lobbyist, it is much more effective to hire a professional that can:
 - guide you through the process
 - has strong contacts in both the legislative and healthcare community
 - has knowledge of perfusion
 - is a person of integrity and honesty
 - has a successful track record.

In the legislative process, your word is your bond, and the process is often more personal than it may appear. Therefore it is important to select someone who has a reputation for dealing with legislators in a straightforward manner that will not compromise your efforts to pass a bill.

- Identify a bill sponsor. Your lobbyist will be able to assist on this important decision. Generally, you will look for members that have a healthcare background and understand perfusion, are well positioned (preferably chairs) the committee that will consider your bill, is a member of the majority party in the legislature, and considers this issue a priority. In most states, it is important to secure a sponsor in both the House and the Senate in order to enhance your chances for passage, and to have those individuals coordinate closely through the process.
- Draft the Licensing Bill. This is not as difficult as it may seem. The AmSECT GRC has prepared model legislation that serves as the foundation for every perfusionist licensing bill that has been adopted in 12 states. The final versions of each of those bills are available on the Government Relations section of the AmSECT site. It is a good idea to look at what other states have done, and which sections may have applicability to your state. Your draft will prove useful to the legislative sponsor of the bill, so that they can review and possibly modify before sending it to their Legislative Drafting Office in preparation for introduction.
- Prepare to testify. Once introduced, your bill will be sent to committee. In fact, it may be reviewed by several

committees. At each stage, committee members will expect representatives of the profession to testify on behalf of the bill. Your lobbyist can help get a hearing and set this up, but legislators want to hear from practitioners who are in the operating room on a regular basis. The focus of their concern will be patient safety and protecting their constituents, therefore your remarks should be concise, crafted to get right to the point, and be limited to no more than five minutes.

- Stay in touch with the Governor's Office. Timely and strategic contacts need to be made with the Governor's Office to ensure that staff is apprised of the intent of your bill, and why its passage is important. Many bills pass the legislature only to be vetoed by the Governor because this step was missed. Your lobbyist will be key to assisting with this initiative.

This information represents several key points, however the Government Relations Committee and the Committee Director are more than willing to work with you through each phase of the process.