

Editor's note: This is an excerpt from the upcoming book *The Politics of Persuasion*. Dan is a member of the Clark County (Nevada) AHU.

## EFFECTIVE LOBBYING FOR THE NON-LOBBYIST: 10 PRINCIPLES TO REMEMBER

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*“Walk a mile in a man’s moccasins before you criticize him.” —Native American saying*

Before I get started, let me make one thing perfectly clear: I am not a professional lobbyist, nor have I ever wanted to be. However, the prospects of a new president overhauling our nation’s healthcare system had me running scared. After two decades in the health insurance market, suddenly I was faced with the possibility of losing everything I had worked for. For me, it was a do-or-die situation. I was going to fight for what I believed in. Besides, I figured how hard could it be?

Politicians are people. I have people skills. It’s all relationships, right?

What I came to find was that I had a number of challenges facing me, first of which was how my voice was going to be heard above the din of those with more money and connections than I had. Second, I came to find that I had to overcome the general stereotype of ‘greedy insurance salesman’ that seemed so pervasive.

So what qualifies me to write about grassroots lobbying? One word: success.

When I started this process, I knew nothing about politics, even getting state assemblymen confused with federal Congressmen. Things have changed drastically since then.

Where once our industry was looked at as “middle men” who should go the way of the buggy salesman, we are now looked at

as being integral to the new healthcare landscape, with the federal government even paying for our expertise. While I certainly won’t take credit for the successes that we have had as an industry, especially on the federal level, I do believe I have contributed rather than detracted from that goal, especially in regards to my state.

As Isaac Newton said, “If I have seen further, it was only because I stood on the shoulders of giants”.

At this time, agents and brokers are routinely consulted on all matters of health reform in my state. We are being asked to volunteer for special subcommittees that are responsible for advising the Board of Directors responsible for getting a working Health Insurance Exchange. Others in the Association and I have even received personal recommendations to be on the various subcommittees. Additionally, our insurance commissioner consults with us regularly, as does HHS and we enjoy an open-door policy with every single congressional and senatorial leader in our state.

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Which brings me to the reason I wrote this. After boiling down the nearly four years I have been involved in this “unofficial duty,” I have come up with 10 principles that have worked for me. I believe they could be useful to others wanting to make a difference.

What follows is a brief outline of those principles and the situations they were used in.

The principles are cumulative, meaning that they start off simple and every point that follows builds upon the previous point.

Note: This is simply a working document of what has worked for me and is certainly not the final word. Some people will agree with my reasoning; others won't. But I will say this: If I still have you after the last sentence in the very first principle, the hard part is done. Everything else will fall into place.

**PRINCIPLE 1: JOIN A TRADE ASSOCIATION (OR THERE IS STRENGTH IN NUMBERS)**

The first thing I realized was that the challenge facing me was much greater than just me alone—it affected our entire industry. But then the questions mounted: Why would a politician even listen to me? I could yell all I wanted, but who (and why) would anyone pay attention? I was a voter and a constituent, but this problem was on a national scale—and I was just one voter.

I quickly realized that while I may be looked at as only one voter, if I was able to show that many people felt the same way as I did about a particular issue, I might have more sway. Hence, I joined a prestigious trade association (NAHU) and educated myself.

Membership in a national trade association gives you instant credibility, access to factual resources and expert guidance. These people really know the issues. However, membership alone won't give you a free backstage pass to your legislator. The key is education, which you get by volunteering. Become a board member or join a commit-

tee. Bolster your credentials by sitting on a task force.

A person I respect once told me: “There are two ways to volunteer: Money or time.” I would say do both. Associations have PACs. PACs have influence. It's sad to say but it's true: The more money, the more influence. If you truly want to belong in this industry for the long haul, it's imperative to donate to your association's PAC.

There, I got what you already know out of the way. What follows is what you don't know.

**PRINCIPLE 2: COMBAT STEREOTYPES (OR KNOWLEDGE IS POWER)**

One of the biggest challenges I faced initially was one of false impressions about what it is I actually do. So many people have a natural dislike of “salespeople.” The key to combating the stereotypical view that agents and brokers are simply greedy salespeople is education. I had one Congresswoman state, “But *you're* the insurance company!” It took us educating her on all that we do for clients to get her to understand that we are the consumer's first line of defense against questionable insurance company decisions and practices.

*Case in point:* I had a meeting with a state senator who was known for his hard line against capitalism. During our meeting, he must have asked me a dozen times who was paying me to lobby on behalf of my industry. He couldn't get over the fact that I was doing something for which I did not get directly compensated.

In his mind, a salesperson was always looking for a buck. I proceeded to fill him in on all of the activities I do for my clients that they don't pay me a fee for—filing claims appeals, referring them to state agencies, etc. His perception of me as an insurance salesman began to soften when he realized that I did so much more than sell a person a policy and leave them.

To really make the point hit home, I told him that the stereotype of my industry is unfortunate, but typical—just like the

general supposition that all politicians are in it for their own glory...which I quickly followed up with a smiling “present company excluded, of course!” Which brings me to...

**PRINCIPLE 3: FIND THEIR RIGHT-HAND PERSON (OR TALK TO MY INTERPRETER)**

Everything has unintended consequences. Once you earn your representative's respect by showing yourself to be a dedicated professional who serves a beneficial purpose, getting a politician to *understand* the unintended consequences of a bill will often force them to re-evaluate their positions. This most often works with state legislators one on one. It's a little different with federal legislators, especially the higher up you go.

As an aside, it's important to understand that ALL politicians are pulled every which way, so much so that the higher up you go, the more these legislators tend to rely on other people to get the “Cliff's notes” version of a bill. It's this person that you want to approach with technical, specific concerns.

Usually with a federal legislator it will be someone hired on for that particular purpose. For a freshman state legislator, often it is another, more ‘seasoned’ state legislator of the same political party. Approaching these people is the key.

**PRINCIPLE 4: GET YOUR POLITICIAN (OR SURROGATE) TO IDENTIFY WITH YOU (OR I LIKE YOU; DO YOU LIKE ME?)**

This may be redundant because we are all involved in sales, but it bears digging into a little deeper. It's important to avoid labels and everyone is an individual with different motivations, but generally I've found that Democrats respond better if you approach them as a person or on behalf of persons, whereas Republicans respond better if you approach them as a business owner or on behalf of business owners.

*Case in point:* I had a meeting with a prominent Democrat's right-hand person. Knowing she was a new mother, after the

warm hellos, I showed her a picture of my family with my 12-year-old daughter holding her National Junior Honor Society Certificate. I proceeded to tell the representative that my daughter understood the need for good grades, being a good citizen and volunteering if she was to become a veterinarian, her lifelong dream. I told the rep that I had a deal with my daughter: She gets good grades and I'll pay for her education. The representative smiled and said, "Well, it looks like she's on her way," to which I responded, "Yes, she's doing her part... and I always thought that I'd be able to do mine."

"What do you mean?" the representative asked.

"This bill (PPACA), in its present form, will bankrupt me."

The look on the representative's face was priceless. "Well, it's not our intention to cause people to lose their livelihoods."

### **PRINCIPLE 5: TIMING IS EVERYTHING (OR YOU CAN'T CHANGE A ZEBRA'S STRIPES)**

While most politicians I know initially became public servants to make a difference, they are still politicians and, as such, they want to be re-elected.

Photographers know that the best time to take pictures is during the "magic hour"—right around sunset. It's the same with politicians. The best time to get something done is during an election year, or (as in the case below), right before they have something to lose (like an election).

*Case in point:* A particularly damaging item for agents had come up during the discussions of PPACA (prior to its passage). I was quite incensed about it. So I contacted the legislator with whom I had fomented a relationship earlier to voice my concerns. The fact that it was the Friday before a big election the following Tuesday was not lost on me.

I was rewarded with an "emergency" conference call with two heads of HHS... on a Sunday morning! We had our best

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THERE ARE CERTAIN THINGS THAT, FOR WHATEVER REASON, A POLITICIAN WON'T COMPROMISE ON BECAUSE IT GOES AGAINST PARTY LINES, AND PUSHING THAT POLITICIAN WILL ONLY RESULT IN THAT DOOR BEING CLOSED.

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people involved on the call and I cemented a relationship with HHS that continues to this day. That this relationship eventually resulted in subsequent talks regarding the value of agents and brokers, culminating in a victory of sorts for us. It is certainly due to NAHU's national expertise, but I can't help but think that my participation didn't hurt. By the way, the election went the politician's way and he won re-election. Which brings me my next point...

### **PRINCIPLE 6: DON'T BURN BRIDGES (OR BE SURE TO HEDGE YOUR BETS)**

As stated above, this particular politician was re-elected. What wasn't stated was that no one expected him to win. I was given quite a bit of flack for maintaining friendly relations with those who were widely looked at as being the enemy. But, just as in life, there are no guarantees. No one expected this person to win re-election. However, my philosophy was: "But what if he does?" If the door isn't open, it's closed. And then we've lost.

### **PRINCIPLE 7: OFFER ASSISTANCE AND FIND SOMETHING POSITIVE (OR TIS BETTER TO GIVE THAN RECEIVE)**

It's one thing to point out unintended consequences; it's another thing to just blankly reject any and all input. It won't get you what you want; it's polarizing at best and destructive at worst.

Offering assistance is nothing more than using our particular skill set to help and

(hopefully) show our unique strengths (and value) to those in power. Politicians are constantly inundated by people and groups saying "Gimme, gimme, gimme!" How refreshing is it then when they get someone who says, "How can I help?" This principle has been impressed upon us from NAHU more than any other: Further our cause by being a resource for politicians regarding healthcare. My success simply expanded upon this.

As far as finding something positive goes, the following example was after PPACA had passed. Everyone was pinning their hopes on repeal. But, as we saw from the previous point, you don't want to appear to be the enemy and risk being shut out altogether. The key is to find something to get behind. In our case, it was the PCIP provision in the law.

For years my state had worked to get a high-risk pool, with no success. PPACA mandated that high-risk pools be formed in every state; whether or not the funding was there wasn't the issue. We needed something to get behind and this was the most likely candidate. The fact that the insurance commissioner specifically asked for our assistance in getting it off the ground was further evidence that we needed to get behind it. Who among you wants to refuse a request for assistance from those that oversee your license to do business?

And get behind it we did. We mounted an all-out campaign to do one of the things that agents do best—inform the public of their options. We started a PSA campaign both on TV and in print. We made sure that

our website displayed the information and links to the government site. In short, we showed our value. To date, our PCIP plan has grown tenfold since the insurance commissioner's request, which leads me to the next point...

**PRINCIPLE 8: SHOW YOUR VALUE (OR CROW ABOUT IT; YOU'VE EARNED IT)**

You do a great job for your clients. You know it. Your clients know it. Let politicians know it. You can be sure that every PCIP update I receive showing the increase in membership is shipped off to the appropriate politicians and organizations before it's even had a chance to download to my computer.

This is something you can use everyday. I routinely volunteer for a division of HHS in our state that refers the hard-to-place risks. I've been able to help a great many people who otherwise would have fallen through the cracks. Those clients tend to be very grateful, gushing praise over the phone. I simply ask them, "If you really feel that way, would you mind writing it down? There's a chance that I won't be able to do this anymore, but if you write a letter about how I've helped you, we might be able to change that." I then make sure that I send it off to the referral source (HHS) as well as key legislators.

The next two points address if you're just not having any luck with your legislator,

CAN'T find anything positive to address or, worse, you've made a misstep that has potentially closed the door. We'll start with a legislator that just won't give you the time of day.

**PRINCIPLE 9: USE YOUR PREVIOUS RELATIONSHIPS (OR NAME-DROPPING 101)**

I was contacted by a couple of people who were not getting responses from a particular high-ranking person. There was more to the story, but I'll get to that in my next point. Needless to say, I called the person, who

immediately answered the phone. Being the kind, polite guy I am, I asked if this was a good time to talk, to which he responded that he'd call me back in exactly three minutes. Of course, three minutes turned into 30, then into three hours. Just before 5:00 pm, I decided to try one last call—which went straight to voicemail. I then proceeded to send him a very nice email, which not only included my signature (with the various titles and organizations I belong to—see Principle 1), but also how I've always enjoyed working with a higher-ranking colleague of his. Shameless, I know, but it got the job done. Within 20 minutes of sending the email, I received a call and we spoke for almost an hour, with the result being that I met with him two days later. I also found a way to assist him with a project he was responsible for (Principle 7).

**PRINCIPLE 10: KNOW WHEN TO BACK OFF (OR DON'T TREAD ON ME)**

With the previous point, we saw that everyone has a superior or at least someone higher ranking than they are. In the above example, I was able to use that to my advantage because I had a relationship with his higher-up. But the knife cuts both ways.

There are certain things that, for whatever reason, a politician won't compromise on because it goes against party lines, and pushing that politician will only result in that door being closed.

*Case in point:* A colleague of mine kept pushing and pushing for information about a particular aspect of PPACA. It involved financing of a certain provision in the law. Most of us know that much of the health-care law is not positioned well financially. This was the situation with Principle 9 and explained his probable reaction to my initial phone call. There was no upside to him helping us to this information so my colleague's continued attempts at getting this information were being met with evasion and excuses. She ratcheted up the pressure and it finally got a final answer: "We don't

provide that information and if you want it, you can sue under the Freedom of Information Act." Which is prohibitively expensive. It was bad enough that this bridge was burned (which was later re-instituted using Principle 7), but worse was that it could have been avoided by simply utilizing the last "bonus" point. (See how I'm picking up on this politician-speak? There are really 11 points, not 10.)

**BONUS PRINCIPLE: UTILIZE OTHER RESOURCES (OR HOW NOT TO BE THE BEARER OF BAD NEWS)**

As we've seen from the above 10 points, there are ways to be successful in your lobbying efforts if all you have is a passion for what you do. But, inevitably, you can come up against a brick wall on certain things, like the information requested above. So how do you get information that someone doesn't want you to have? It's actually pretty easy: Just let someone else do it. There are numerous right-wing, left-wing, no-wing organizations that love nothing more than to be a thorn in the other party's side. Contact them with your particular concern.

This isn't something that I thought up. It came directly from a particular organization whose acquaintance I was fortunate to make. His words to me were, "I can say what you can't say, because they expect it from me."

A more prudent approach for getting the information demanded in Principle 9 would have been to pass along this information to that particular group and ask for their assistance.

One last thing. Don't limit yourself. Network. We have relationships in all aspects—consumer groups, doctor groups, media. They all come in handy. Besides, it should be easy for us. We're in the relationship business, aren't we? HIU

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*This is dedicated to my father, who taught me there are two sides to everything*