

Advocacy

As a pharmacist you are a constituent, an expert in pharmacy matters, and an important participant in the healthcare delivery system in New York State. When you take an active role as an advocate for pharmacy, you are doing your part to make sure that issues facing your profession and your economic future are addressed at the Capitol in Albany. The Governor and the New York State Legislature, both the state Senate and Assembly, have an enormous impact on every aspect of pharmacy practice including its future in an evolving healthcare system. This toolkit is your guide to becoming an effective advocate for Pharmacy in New York.

Your Power as a Constituent

Senators and assembly members are very responsive to their constituents. Because they are elected, they need votes to stay in office. Their natural inclination is to get to know their voters, address local problems and understand what they can do to help.

The Goal of Advocacy

The Society's goal is to build an effective and dynamic grassroots advocacy network that will translate into positive results for practicing pharmacists so that bills that pharmacists support receive positive votes in senate and assembly committees and are then passed by both the New York State Senate and Assembly, and bills that pharmacists oppose are defeated. This is a step-by-step guide about building an effective grassroots network throughout the state that will have an impact on policies made at the Capitol in Albany.

Understanding the New York State Legislative Process

The legislature is in session from January through June each year. Senators and assembly members are in their local district offices from July through December during the "off-session."

The January to June legislative session can be broken into two parts: (1) Budget; and (2) End of Session. New York's fiscal year runs from April 1st to March 31st. The New York State Budget is due by April 1st.

Budget (January to March 31)

- Beginning in September, the Governor and staff develop the following year's Executive Budget proposal. To develop the proposal, the Governor and staff solicit support for initiatives, gauging both the Legislature's political will as well as public opinion on the issues. Then, by law, the Governor must deliver the Executive Budget proposal the following January, at the beginning of legislative session.
- After the Governor presents the Executive Budget in January, the legislature engages in two months of public hearings and negotiations with the Executive Branch to develop a final budget by April 1st. Both houses of the legislature must pass the budget by simple majority vote.
- As of 2017, the NYS budget is approximately \$150 billion dollars. The specific amount changes each year, depending on the amount of projected tax revenue available. By law, New York State must have a balanced budget, meaning each expenditure must have a corresponding revenue stream attached.
- Because of federal Medicaid dollars received by NYS, the FY 2017-18 Executive Budget recommended \$137.3 billion for the Department of Health, of which \$131.5 billion was for Medicaid and \$5.8 billion was appropriated for remaining health program spending.
- Of note, approximately 90% of the Governor's proposed budget in January is adopted in the final state budget which is passed by both the Senate and Assembly.
- It is the remaining 10% of the budget where intense lobbying efforts by individuals and interest groups such as pharmacists come into focus. While 10% may not seem like a lot, 10% of \$150 billion is \$15 billion dollars.

End of Session (April 2 to June)

- After the Budget is adopted, the remainder of the scheduled legislative session is referred to as End-of-Session.
- During this period, the Senate and Assembly consider legislation that does not have a fiscal impact or require spending by the state.
- June tends to be the busiest month, as legislators are prone to procrastinating. Of the approximately 15,000 bills introduced, an average 1,000 bills are acted upon between both houses during the month of June.
- Every type of legislation is considered (e.g. scope of practice, environmental issues, crimes and criminal penalties, education, election law, etc.)

Grassroots Advocacy

Grassroots advocacy refers to efforts by individuals and organizations at the local level to influence the public policy debate at the State Capitol. Grassroots advocacy involves constituents communicating with legislators and the public through the press, by writing letters, sending emails or faxes, or circulating petitions that will be delivered to a selected legislator or legislators. These forms of advocacy focus attention on an issue that would otherwise not be visible or well understood. They serve to convey the importance of such issues to legislators, creating an impetus for action. This section presents two grassroots techniques that have proven to be particularly effective in Albany: (1) Letters to the Editor and (2) Grassroots Petitions.

Letters to the Editor

In New York there are more than one hundred local newspapers. Each county in the state typically relies on a combination of a daily newspaper targeted to a general audience along with weekly publications that cater to specific audiences. In Columbia County, for example, there is the Columbia Paper which is published every Thursday, and the Register-Star which publishes from Tuesday through Saturday. A list of all the newspapers in the state has been compiled by the [New York Press Association](#) and is attached for your convenience.

Not only do local legislators read these papers, their constituents do, too. Legislators are very sensitive to issues covered in local papers. Therefore, if the goal is to reach a certain legislator, we strategically place the issue where the elected official and their constituents will see it. When we want an issue to be in the forefront, submitting a letter to the editor is key. The editorial section of any newspaper is widely read and provides the legislator with a quick guide to issues that constituents care about.

Placing a letter to the editor is relatively straightforward. Every newspaper has an online submission page or email address. Simply look at your local newspaper's website and follow the appropriate links for instructions for submitting letters.

To be effective, the letter must be clear and concise with an anecdote about the local impact of the issue. PSSNY will provide a sample letter for each issue. You can adapt the letter to fit your locality and circumstances.

Grassroots Petitions

The second advocacy technique is the development and circulation of petitions. Petitions can be done in two ways: a physical sheet of paper signed by individual constituents or an online petition.

A physical petition is what most people think of when we mention petitions. The tradition of petitioning the government dates back to the formation of the United States. One of the grievances of the original thirteen colonies was King George's failure to redress the grievances listed in petitions from the colonies. In our context, the petition will be a piece of paper which is affixed to a clipboard. The top portion of the petition describes the issue succinctly, such as "we demand that our Legislature put an end to the practice of cow tipping in our state." The remainder of the petition consists of lines for the names and addresses of members of the community who agree with the statement. The petition can be discussed with and

signed by pharmacy patients and visitors. After a set period of time or a predetermined number of signatures is reached, the petitions can be delivered to the legislator at the local district office. Typically, the delivery of petitions is accompanied by a press release or even a press conference. The added ceremony of a press conference highlights the importance of the petition.

The second type of petition is an online petition. These petitions are similar to physical petitions in that they describe an issue and require signatures. The main difference, however, is that the online petition can be easily distributed via e-mail. Due to the ease in circulating online petitions, legislators tend to give these petitions less weight. However, they can be an important tool in generating community awareness and involvement on an issue. Remember, petitions are as much about community education as they are about legislative action.

How-To's

This part of the toolkit is designed to help you develop a friendly, respectful working relationship with the New York State senator and assembly member who represents you at the Capitol in Albany. As a constituent and voter you are important to elected officials, and as a pharmacist you have an authoritative voice on issues with direct bearing on the profession. Effective constituent relationships can translate into success at the legislature. Here is a practical guide to help you get started.

How do I find my New York State Senator or Assembly Member?

Use these websites, insert your address and follow the prompts. You will find out the name of your senator and assembly member, some background about the member, the area encompassed by the state senate or assembly district and the committees or task forces to which the member has been assigned.

<http://www.assembly.ny.gov/mem>

<https://www.nysenate.gov/senators-committees>

How do I prepare for an initial meeting with a Senator or Assembly Member?

Read the profile on the Senate or Assembly website. How long has the legislator held office? What is the district (e.g. towns, neighborhoods, etc.)? Does the legislator represent the district where you live or where you practice? Notice the committees on which the legislator serves to understand the topics most familiar to the legislation (e.g. taxes, environment, health, education, elections, crime). Does he or she chair a committee or task force? You are looking for common ground, a way to start a conversation.

The following Standing Committees typically take up legislation that relates to pharmacies, prescription drugs, and pharmacists:

- Aging
- Codes
- Consumer Protection
- Finance
- Health
- Higher Education
- Insurance
- Mental Health
- Social Services

How do I request a meeting with the legislator at the local district office?

Call the office. Legislators' offices are listed on the Senate and Assembly websites. District offices are also listed in local telephone directories. Ask to speak to the legislator's staff person who is responsible for scheduling. State that you would like to meet directly with the legislator. Ask about the meeting request procedure. Some offices prefer to take meeting requests by phone. Others will ask you to submit the request by email. In any event, you will be asked for the topic of the meeting since legislators deal with wide ranging issues. If this is an introductory meeting, you might say, 'I'd like to discuss the community pharmacy business environment (or pharmacy practice issues).' Mention bill number(s) if you have them. Follow the process, being sure to take note of the scheduler's name to smooth the way for follow-up calls or other meeting requests. Allow a few weeks for the office to schedule the meeting.

What will be the agenda and timeframe for the meeting?

When the meeting is scheduled, ask about the time allotted for the meeting and who on staff (if anyone) will attend. You'll want to keep these facts in mind. Since you have initiated the meeting, you are expected to present the topic and come prepared for the discussion. PSSNY will provide materials (e.g. talking points, a copy of the legislation, memos of support or opposition). It is up to you to establish rapport and to present the materials in a way that is factual and convincing.

If the scheduler offers a meeting with the chief of staff, accept the meeting. Meetings with constituents are always reported to the elected official. Your time will not be wasted.

What are the general rules for meetings with legislators?

- Be on time.
- If you do not meet with the legislator directly, do not express your disappointment. The staff person will brief the legislator after your meeting. Be sure to get the card of the person you meet with or get the person's name, title, and contact information.
- Be prepared. Review talking points, printed materials and documents designed to be left with the legislator.
- Stay on topic. Do not deviate from statements made in printed materials developed by PSSNY.
- Do not negotiate changes in PSSNY's position or language in the bill.
- If you are asked a question you cannot answer, do not guess. Say you will research the question and get back to the legislator with the response.
- Maintain a friendly business-like manner.
- Provide written feedback about the meeting to PSSNY. Tell us who you met with so we can plan follow up.
- Follow up with a brief note thanking the legislator or staff member for the meeting.
- **DO NOT MENTION CAMPAIGN CONTRIBUTIONS.**
- **KEEP IN MIND PATIENT PRIVACY AND OTHER LEGAL OBLIGATIONS REGARDING THE DISCLOSURE OF INFORMATION.**

What should I say and do in an introductory meeting with a legislator about a specific piece of legislation in the district?

- **Keep the ultimate goal in mind:** A working relationship based on mutual respect that will be ongoing throughout the legislator's tenure of office. The legislator should see you as a valuable source of reliable information and an active, engaged constituent.
- **Introduce yourself as a pharmacist.** State your home address and the name and address of the pharmacy where you practice.
- **Establish common ground** by mentioning a recent news item, a public event that included the legislator or a fact from the legislator's bio that suggests something in common.
- **Talk about what you do.** Describe the neighborhood, the healthcare problems you see, and how you, as a practicing pharmacist, have helped people in the district.

- **Present the issue** using the suggested talking points and elaborate on them with additional facts and examples from your experience. Leave behind copies of the PSSNY Memoranda of Support or other materials as directed.
- **Establish next steps.** Is the legislator ready to follow through and vote for (or against) the bill or join on as a co-sponsor? If the legislator is not ready to make a commitment, what other questions does the legislator have? Offer to follow up and/or be available for another meeting.

What is the best time for meetings with legislators in local district offices?

As explained earlier, the New York State legislature is out of session between late June and the end of December. During these months state senators and assembly members are generally available for meetings in their district offices, with the exception of the fall in even-numbered years when they are involved in re-election campaigns. Any legislator who is facing a primary or has a strong challenger in the general elections will focus time and energy on campaigning and is less likely to be available for meetings in the district office. In other words, avoid asking for meetings in the fall of even-numbered years.

Every year, legislators are in Albany three to four days per week between January and June. They are back in their districts at the end of each week.

In-district meetings tend to be thirty-minutes in length, as compared to meetings in Albany that tend to be scheduled for ten or fifteen minutes because they are squeezed in between meetings of committees, conferences, and other obligations.

Constituents tend to prefer meetings in local district offices because they are longer and less stressful. Grassroots lobbying is also very effective. The legislator is on home turf and ready to listen to a local pharmacist who is familiar with the district and who knows voters.

How do I request a meeting with a legislator I don't know but who is already a bill sponsor or co-sponsor?

Schedule the meeting as you would any other.

The purpose of the meeting would be similar: to introduce yourself as a pharmacist who lives or works in the district, to establish that you are an active and engaged constituent willing to be a source of factual information regarding prescription drugs and any other issues related to pharmacy practice, and to thank the legislator for supporting a particular bill.

What do I say and do in a meeting with a legislator I don't know but who is already a bill sponsor or co-sponsor?

Follow the same outline described above to introduce yourself and establish a working relationship. Instead of presenting talking points and discussing a bill the legislator is already sponsoring or co-sponsoring, thank the legislator for the support, provide the PSSNY support memo, offer to be a resource for any additional information about the bill as it moves through the process. Consider inviting the legislator to visit the pharmacy.

What is the purpose of inviting a legislator to visit behind the counter at a community pharmacy?

Legislators discuss and vote on issues dealing with a wide range of topics -- crime, taxes, water, cemeteries, hospitals, insurance, schools, opiates, etc. Most have little working knowledge of what pharmacists know and what pharmacists do. Many rely on personal experiences to inform their votes. Just a few have been behind the counter. Those who visit a pharmacy have come away with a greater appreciation of pharmacists and a better understanding of pharmacy issues. In short, the experience pays dividends.

How would I prepare for a legislator's visit at a community pharmacy?

Such visits are not for everyone. Most often the invitation is extended by the owner of an independent pharmacy who has developed a successful working relationship over time with a state senator or assembly member.

Planning and considerations:

- **Timing.** Allow about an hour for the visit. The legislator will need to block a significant amount of time out of the office and away from other scheduled public events, up to two hours to allow for travel time. The host pharmacist will also need to block time from other obligations and responsibilities.
- **Content.** Focus on delivering one clear message. Organize staff, demonstrations, etc. Allow time for questions, conversation. Avoid over-scripting.
- **Prepare basic facts about the pharmacy:** How many patients are served daily, weekly, annually? What is the most common disease state? What services does the pharmacy offer? What is the biggest problem you see in the community? What is your biggest challenge operationally?
- **Privacy.** Demonstrate protection of patient privacy. Compliance with HIPAA may require the legislator to sign a form.
- **Photos.** Legislators are usually happy to take photos at the conclusion of a meeting. They might be posted at the local district office, at the pharmacy or used to promote PSSNY lobby days. If a photo is taken at the pharmacy it is always best to be done off to the side to avoid getting a patient or patient information in the photo. Always review photos before sharing them.

- **Share your visit with PSSNY and the legislator.** Email the legislator a thank you message and enclose the photos. Also send photos, names of the individuals pictured and the date of the legislator's visit to PSSNY at staff@pssny.org.
- **Follow PSSNY on Social Media.** To help promote the visit, follow PSSNY on social media so we can help your information go viral.
 - Facebook: <https://www.facebook.com/PSSNY/>
 - LinkedIn: <https://www.linkedin.com/company/5102798>
 - Twitter: https://twitter.com/NY_Pharmacists

Thank you for your interest in advocacy. With your help, PSSNY is building a strong network of voices throughout New York with a message that will be heard loud and clear in the halls of the Capitol in Albany.

New York Should License Pharmacy Benefit Managers

Pharmacy benefit managers (PBM) are third party administrators. PBMs contract with managed care plans, unions, publicly funded-programs (i.e. civil service) and employers who self-insure. As administrators of pharmacy benefits, PBMs negotiate with drug manufacturers, control drug formularies and manage pharmacy networks. The nation's largest PBMs own and operate mail order pharmacies.

Licensing PBMs helps patients and improves drug cost transparency.

1. PBMs are a dominant healthcare presence, but they are nearly invisible to the public.^{1 2}
2. According to a 2013 analysis, three dominant PBMs (Express Scripts, CVS Caremark, and Optum Rx) control about 70% of all prescriptions in the United States.³
3. PBMs are the only healthcare entity that is not regulated in New York (unlike hospitals, nursing homes, health plans, doctors, pharmacists, pharmacies, etc.).⁴
4. PBMs administer pharmacy benefits. Certain aspects of "benefit design" control which drugs patients can access and under what terms, specifically:
 - Co-pays that are mandatory,
 - Preferred and non-preferred drugs⁵,
 - Prior approval criteria, and
 - Overrule doctors and deny prior approval requests.
5. As contracted pharmacy benefit administrators, PBMs have authority to:
 - Restrict pharmacy networks, limiting patient access to local care,
 - Require patients to obtain certain drugs from a certain mail order pharmacy or "specialty" pharmacy, and
 - Set policies for local pharmacy network participation.
6. PBM contracts have clauses that prevent network pharmacists from offering lower cost options with patients.⁶

¹ Lopez, L. "These companies you've never heard of are about to incite another massive drug price outrage." *Business Insider*. September 12, 2016. <http://www.businessinsider.com/crutiny-express-scripts-pbms-drug-price-fury-2016.9>

² Ramsey, L. and Gould, S. "A huge pharma middleman just lost its biggest customer – and it shows how drug pricing really works." *Business Insider*. April 25, 2017.

³ Eban, K. "Painful prescription: Pharmacy benefit managers make out better than their customers." *Fortune Magazine*. October 10, 2013.

⁴ Governor Andrew Cuomo. Executive Budget 2018-2018. A3007/S2007, Part J.

⁵ "U.S. probes contracts between drugmakers, pharmacy benefit managers." <http://mobile.reuters.com/article/idSKCNOY203T>.

⁶ Hopkins, J. "Sworn to secrecy, community pharmacies forced to stay silent as customers overpay." *Bloomberg News*. February 24, 2017.

7. Each market-dominant PBM owns and operates a mail order pharmacy⁷ and a “specialty” pharmacy.⁸ PBMs steer business to themselves.^{9 10}
8. PBMs claim they control drug costs but spending on drugs is out of control.^{11 12}
9. Until the Department of Financial Services licenses and regulates pharmacy benefit managers, state authorities will be as powerless as patients^{13 14} and local pharmacies in dealing with PBMs.^{15 16}

⁷ Taxpayers Protection Alliance. “The expensive truth behind taxpayer funded mail order pharmaceuticals.” April, 2013.

⁸ Thomas, K. and Pollack, A. “Specialty pharmacies proliferate, along with questions.” New York Times. July 15, 2015.

⁹ Thomas, K. “A push to lower drug prices that hit insurers and employers the hardest.” The New York Times. September 8, 2016.

¹⁰ Thomas, K. “Specialty pharmacies say benefit managers are squeezing them out.” The New York Times. January 9, 2017.

¹¹ Weinberg, N. and Langreth, R. “Drug Costs Too High? Fire the Middleman.” Bloomberg News. March 3, 2017.

¹² Rudavski, S. “An escalating crisis: People with diabetes struggle to afford life-saving insulin.” The Indianapolis Star. September 9, 2017.

¹³ Levitt, F. “PBM DIR fees costing Medicare and beneficiaries: investigative white paper on background, cost impact, and legal issues.” Commissioned by Community Oncology Alliance. <https://www.communityoncology.org/wp-content/uploads/2017/01/COA White Paper on DIR-final.pdf>. Published February 1, 2017.

¹⁴ Trish, E. “Medicare beneficiaries face growing out-of-pocket burden for specialty drugs while in catastrophic coverage phase.” Health Affairs. September, 2016.

¹⁵ Wiesner, D. “Time to stop inappropriate business practices.” <http://thehill.com/blogs/healthcare/321635-time-to-stop-inappropriate-pbm-business-practices->

¹⁶ Hagen, T. “Pharmacy Benefit Manager Back-end fees rise \$13 billion in 3 years.” <http://onclive.com/web-exclusives/pharmacy-benefit-manager-backend-fees-rise-13-billion-in-3-years>. Accessed March 28, 2017.

MEDIA ADVISORY TEMPLATE

FOR IMMEDIATE RELEASE

Wednesday, September 27, 2017

Contact: Mary Smith (123) 456-7890

msmith@bestpharmacy.com

MEDIA ADVISORY

**ELECTED OFFICIALS & COMMUNITY
LEADERS TO CALL FOR TRANSPARENCY & REGULATION OF PHARMACY
BENEFIT MANAGERS IN NEW YORK (PBM's)**

***Rally Comes on the Heels of a Report Anthem Health Insurance is Leaving its PBM,
Express Scripts***

WHEN: Thursday, September 28, 2017; 10:00AM

WHERE: Steps of Best Pharmacy; 123 Main Street

WHO: Local Pharmacists,
Community Advocates
Elected & Community Leaders

WHY: PBM's have continued to operate in near secrecy withholding rebates from consumers, small-businesses, and health plans. Anthem, one of largest insurance providers in the nation is the start of an effort to rein in the PBM's

Pharmacists will hold a press availability directly after the rally.

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NEWS RELEASE TEMPLATE

FOR IMMEDIATE RELEASE

Wednesday, September 27, 2017

Contact: Mary Smith (123) 456-7890

msmith@bestpharmacy.com

PRESS RELEASE

Dozens rally to call for Pharmacy Benefit Managers (PBMs) to be regulated and transparent with pricing.

New York, NY – Today, Assembly member XXXX, dozens of community members and local pharmacist rallied in support of a bill to regulate and make transparent the billing and rebate structure of Pharmacy Benefit Managers.

Touting a recent article involving Express Scripts Pharmacist 1 said, “The time has come to finally regulate PBMs and uncover the millions in profits being made off of consumers and small businesses”

Assemblymember XXXX, said “when I return to Albany in January this will become the issue we must address. The cost of prescription drugs is directly related to the practices of PBMs in New York.”

The rally organized by local pharmacists is part of a growing movement across the state to call for the Legislature and Executive to enact PBM transparency and regulation in New York.

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Complete this feedback form and return to a PSSNY:

- **Mail:** PSSNY 210 Washington Avenue Extension, Albany, NY 12203
- **Fax:** 518-464-0618
- **Email:** staff@pssny.org

Each attendee should complete this form so we have as many view points of the meeting as possible.

Your Name: _____

Legislative Visit was with

Senator/Assembly: _____

Time of Appointment: _____

1. Did you meet with the legislator or the staff? If staff indicate the name.
 - a. Legislator
 - b. Staff _____

2. Complete for each issue discussed:

	Will Support	Opposes	Needs More information
PBM Registration & Licensure			

If needs more information please specify:

3. Are there any additional comments that you wish to add, be as detailed as possible:

