Workers' Comp

What Really Drives P&C Policy Change: It’s Local

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Tom Kerr (TK): When you hear the word politics does it hit your ear with thoughts of division, frustration, perhaps something you’d rather stay away from entirely?

Well, for those in the P&C industry, that’s not really an option because the policies that shape our business are often decided much closer to home.

The late Speaker of the House Tip O’Neill once said all politics is local. It’s a message Enlyte’s Brian Allen believes leaders need to pay heed to. He’s here to discuss the topic and offer a more positive perspective that just might help you move the political needle in the right direction.

Brian, welcome back to Enlyte Envision podcast.

Brian Allen (BA): Thanks, Tom. Appreciate it. Glad to be here.

TK: So, let’s get started with this first question. When people hear “all politics is local,” what does that actually mean in today’s legislative environment? And why should professionals in the P&C industry care?

BA: Tom, that’s a great question. You know, so much of the news focus is on national politics and so everybody’s really clued in and has an opinion about what’s happening nationally. But a lot of things at the local level don’t garner the same attention.

But the things that really impact your life are usually at the local level. And so, if you’re in the P&C industry and you’re trying to influence change, it’s great. You can go talk to your congressman. You can go talk to people in Washington, DC, but the reality is the things that are really happening in the P&C industry happen at the state

level.

And so, it's really important to create this sense of locality, and it even drills down to the locality of the individual legislators. If you're trying to influence legislative action you have to make it personal to the constituents in that legislator's district because that's who they care about. That's who elected them in the first place. And so, they want to make sure they're doing right by their constituents. So, if you cannot present an issue in a way that makes sense for the legislator to relate to his or her constituents, then it's not really going to resonate.

As a former politician, a former legislator, I think I can say this with some authority. They want to make sure they're keeping their constituents happy so that they're garnering the support that they will need for a re-election campaign that might be coming up in the next two or four years or whatever their cycle is.

Legislators really want to take care of the people they represent in their district, and I think they're really focused on that. So, you've got to make it local. It can't be global. It just doesn't matter. They won't care.

TK: And to put this in more perspective, can you give us an example where a policy that seemed like a clear win on paper didn't pass? And what factors actually influenced the outcome?

BA: Well, I had a recent experience in Arizona. We were promoting a bill to allow for direction of pharmacy care for employers in the workers' comp system. Right now, injured workers in Arizona can choose to get their medications from any pharmacy they want.

Unfortunately, what happens is there are companies who are profiteers that charge exorbitant amounts of money for those medications. The injured workers are insulated from the costs because they don't see it, because they're not required to pay anything. So, they don't necessarily know whether or not they're getting a high- or low-cost drug and I don't think they really care either, because they just need the medication to get well.

What happens is we have these groups charging for a cream that you could buy at a pharmacy for $5 billing an insurance company $1,500. And it's just price gouging. And we were trying to run legislation to fix that. We had all kinds of data and examples on our side, and it made a lot of sense. But when it came down to the legislative hearing, I was the only person who showed up to actually testify in favor of the bill.

Against the bill, you had the police union, the firefighters' union, you had local pharmacists. Now, that doesn't mean local businesses didn't support it. I think they did. I think local insurance companies supported it. But they didn't show up. And so, it's really important if you're engaged in a topic you have to act. If you care about it, you have to show up.

Legislators all have policemen in their district. They all have firefighters in their district. They all have pharmacists in their district. But how many have a government affairs guy from Enlyte in their district? There's only one legislator in the whole country who has that, and that's my legislator, right?

So, we couldn't really localize it. Even though their local businesses are paying higher costs in workers' comp because of these practices, none showed up. So, they didn't get that local weight in support of the bill but they got a lot of local weight against the bill.

And this is an election year so, consequently, no legislator wants to make the firefighters' or police unions mad at them, because you don't want to appear to be anti-firefighter or anti-police. So, what are you going to do? You've got this guy from Utah that's talking about why they should vote for the bill, and you've got all this great data, but you've also got all these people who are actually potential voters. So, I mean, it's not a hard decision

from a legislative standpoint.

And I was obviously disappointed in the outcome, that the bill didn't pass. But I also reflected back on my own legislative experience and realized I probably would have made the same decision because there was no local impetus in that committee hearing to talk about why they should support this bill. So, if I'm a legislator there why should I hang my hat on something if my local businesses or my local insurance companies don't care enough to testify at a hearing?

But yet, they have these other local constituents who do care enough. It's a pretty easy mathematical equation — this equates to votes, this one doesn't. That local emotional draw of the people opposing the bill was compelling. And, in our case, compelling though I think it was, it wasn't compelling enough to overcome that.

That's where you get down to why politics is local. If we're not there showing up, making our voices heard, and there are people who are, they're the ones who are going to get heard. You can't hear a voice that isn't spoken, right? It has to be there.

TK: Yeah, that's understandable, but a legislator's job also is to focus on cost savings. They're often armed with this strong data and cost-savings numbers. How is that not enough to drive legislative change, especially in areas like workers' comp?

BA: Well, again, I think it boils down to this sense of local influence and local impact. And the difficult thing is, yes, these high-cost drugs are driving costs, but overall, workers' comp costs are going down in most states or at least staying flat.

And so there isn't this sense of urgency, where, "Hey, our work comp costs are getting out of control." We don't have that. And now they're paying more money than they should and, unfortunately, what people don't think about is the impact that has.

Yes, maybe your overall costs are going down, but if you have employers who are paying more for their workers' comp than they ought to pay, then they may make decisions based on that cost. "Hey, I can't hire a person. I can't expand my business. I can't do things that will actually help grow the local economy and help the locals."

I mean, if I'd have been smarter, I would've recruited a local businessman from each of the legislators' districts to come and testify, because that would have carried some weight, right? Here's a local business, somebody they look in the eye every day and see every day.

Facts and figures don't vote, but people do. I'm not saying that legislators are so self-interested they're not willing to do the right thing. I think they do want to do the right thing. The problem is that when you have a group that's vocal opposing something and you have another side proposing a change and there's only one person there who's not even an Arizonan making the argument, the no vote has the strength because it's status quo.

It's always easier not to change anything than to change something and find out later, oh, it was a mistake. So, the status quo was OK because no local businesses or local insurance companies were there really fighting for the change.

Even though the data is strong, good data doesn't always mean a good solution, right? I think in our case it did, and I think it would have made a huge difference for employers in Arizona. But legislators also have these injured workers they care about. And their concern, ultimately, came down to, "If we make these changes, does

it impact or disrupt the lives of these injured workers? Does it prohibit them from getting care?"

And, we could show that that doesn't happen, but it still wasn't enough to kind of sway the balance.

TK: So, when we talk about local legislative decisions, you had mentioned it probably would have helped if you had some business owners there. So, who has the most influence in local legislative decisions when it comes to workers' comp? And what happens when key stakeholders like employers or insurers don't show up?

BA: Well, I think if you're trying to effect a change that is benefiting employers and insurers, they need to show up. They need to be talking to legislators about it and they need to be pushing hard on it.

Now, recognizing that in any given political environment you only have so much political capital as an organization to spend, right? It's a finite resource. They might have had 20 other things that were more important to them than this bill this year, and so if they spent all their political capital on that, they might've had nothing left in the tank for this. I don't know that.

But, if you really want to influence a decision, you've got to be there and show up. And, for workers' comp, it's going to depend a lot on the district and who's representing the district. Some districts are going to be more worker-centric because that's their constituency. In other districts, they might be a little more business-friendly, so you have to figure out where the district leans.

I think in workers' comp there's a balance of power in most states between the needs of injured workers and needs of business. And it seems they do try to balance that out so that it's not tilted to one side or the other. And our proposal wasn't really trying to tilt the balance. We weren't trying to make it harder for injured workers to get medications. We were trying to get the outliers out of the business, right? The ones who are gouging the system.

There are a lot of good people out there providing care that do it the right way. There's like 10% who are scoundrels who need to be out of the business, and they're the ones we were trying to go after. But if you don't have support and there's no one saying, "Hey, get rid of the scoundrels," how do you balance that out?

Now, some states might tilt a bit one way or the other, just depending on what their politics are, but you've got to have local people there making the ask about, "Hey, you've got to make this change. It's really important we make this change. These are all the reasons why it's a problem." But if you don't have that, it's really going to be difficult to make it happen.

TK: So, in terms of making it happen, for someone in the P&C space who's never engaged with lawmakers before, what are some practical ways they can start making their voices heard at the local level?

BA: That's a really great question. Politics is a relationship business. It's all about what kinds of relationships you have, who you know and how you build relationships.

Probably the most fundamental thing you can do, and what I try to recommend, is get engaged with your local legislator. I spend time with local legislators going out and knocking on doors and talking to people about winning their support during campaigns. It doesn't cost you anything but some time. It's actually interesting because you meet a lot of interesting people, but you also build a relationship with the legislator.

If you go out and do sweat equity it means a lot to a legislator. Just go meet with them. Not for any particular ask but to get to know them. Put yourself out as a resource.

One of the things I do primarily in states is try to make myself available as a resource to answer questions. I try to be very balanced and forthright in my responses to them. I try to let them know pros and cons of issues in our industry.

I can tell you that I get a lot of invitations from states to engage early in rulemaking decisions before they're publicly available because I've been able to position myself as a resource who is going to be unbiased, thoughtful and proactive in my approach to making good things happen.

Just introduce yourself. "Hey, I'm Joe or Suzie and I'm an adjuster." "I'm a claims administrator," or "I'm an insurance agent, and I just want to get to know you and let you know I'm here as a resource. If you have questions about these kinds of things, I'm more than happy to help answer questions."

And you have to understand, legislators are not experts on everything. In Arizona and most states, they're citizen legislators, so they all have other jobs outside of their legislative work. They're good in those areas, but most legislators don't know a lot about workers' comp or the P&C industry unless they've worked in it.

And so, if you can provide yourself as a resource, that's helpful because then they have a constituent, someone who they know is going to help be an influencer for them. They'll use that resource. They will use that all the time.

And if you really want to get your voice heard, put sweat equity in campaigns. This is a great year to do it because most states have legislative races this year. And it's fun.

Politics is a difficult business and it's one most people don't really even like to be engaged in. But it is so important for our republic. If we don't have good people engaged, then I can guarantee you the scoundrels are engaged because they make a lot of money when they're doing things they shouldn't be doing and can find ways to get legislative help.

So, we've got to have good people counteracting that. This bill in Arizona was a learning experience. If I were to do it again, I'd have local businesses that are paying higher premiums because of these extra costs. And if you're a small business and you've got one or two workers out on an indemnity claim and a medical claim and they're getting these high-cost drugs, it doesn't take very many of those fills to put your numbers out of balance and make your experience mod go up to the point where you're going to be paying a higher premium.

And in a small business, a little cost difference can be huge from a financial standpoint. I know there are a thousand stories out there that we could have told that could have countered all the stories that were told on the opposite side, and we just didn't have the people there to do it.

You would think it would just get voted on without question, but that is the mistake that happens in politics. We all think, "Well, it's just the right thing to do, so it's going to happen." It doesn't always happen that way, and it really is who shows up and who makes their voices heard.

TK: And that all makes sense. And it's good advice, but still, you have people who are reluctant to do it. If it's just starting a conversation with the legislator, what are some reasons why people might be reluctant to just take that extra step?

BA: Well, right now, politics is challenging, right? There's a lot of emotion on both sides of the aisle. It's not healthy. And what I have found is if you can get past the rhetoric and you really get down to just meeting people on a personal level, you'll find out they're most always good people.

I work with legislators all across the country. I work with members of Congress, and I would say that 90% are people I could easily be friends with. I would go to dinner with them because they are really good people trying to do the right thing.

The problem is you never hear about the 90% in the media. You only hear about the 10%. And, unfortunately, that's now the perception people have because we're so bombarded with media about politics. And it's so polarized and it's very difficult to find the truth.

The easiest way I have found to find the truth is to sit down one-on-one, look somebody in the eye and just talk to them. Talk to them as a fellow American. Talk to them as a fellow human being. And I think if you can get to that level, then you can break through that sort of squishy feeling you get about politics.

And once you know them on a personal level — I'm talking about people on both sides of the aisle — they're actually really good people. Generally, they all want the same things. They have different approaches to getting there, but I think the end goal is often very similar. It's just how you get there. And so often we get caught up in the process that we lose sight of the goal.

TK: Great advice and really good points. Brian, was there anything you wanted to add that we didn't cover?

BA: Well, let me just make a plug for America's 250th birthday. We've been around for 250 years. It was an experiment in a republican form of democracy no one had ever tried before. And the thing that makes it work is when people are engaged.

And if we want to see another 250 years, we have to stay engaged and make sure good people are engaged. So, I would just encourage you to be engaged. Go out and help local candidates. Don't lose sight of the goal and don't lose hope in the process, because it's survived 250 years.

We've had difficult times throughout our history. We've had difficult leaders throughout our history. We've always survived them. And I believe we've always survived them because I think, at its core, the people of America are good and people in our industry are good. And I think, generally, the politicians we elect are good people. We just have to work with them within that framework and try to be open and honest and not get so polarized in our thinking that we can't have an honest discussion.

So, my ask is to stay hopeful and just do your best to engage in the process. Talk to the people who are making decisions for your city, your town, your county, your state and at the national level. They need your voice. The more voices they hear, the better informed they'll be.



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