

February 27, 2018
Dr. Phil Beckwith

Council on Governmental Affairs

COGA met in September 2017.

That meeting was fairly routine in that it involved a summary of legislative issues by our legislative counsel from

Significantly, the February meeting was postponed in order to coincide with the AAO Annual Session in Washington D.C. The Advocacy conference will also take place back to back with the AAO.

Of greatest significance is the developing situation involving the AAO's increasing recognition of the need to become more active at the state level.

A task force was formed in September to discuss the need for and the means of involvement at the state level. In addition, the COGA membership provided feedback individually by email.

A consensus by COGA was reached recently and it is reflected in a motion that our BOT liaison Dr. Callahan will present to the Board of Trustees.

The text of the motion is as follows:

RECOMMENDATION TO THE BOARD OF TRUSTEES

SUBMITTED BY: John Callahan, Trustee

DATE: February 2018

MOTION:

That the AAO seek to actively influence legislation and regulation at the state level in the 50 United States; and further,

That staff develop an action plan necessary to implement proper policy and practical changes to effectuate this action and report back to the Board of Trustees for implementation.

BACKGROUND: The AAO's Component Legal Support Fund has seen a lot of activity since its launch in 2016. Since its inception, the CLSF has assisted and helped fourteen components with their state advocacy and legal issues: Texas, Minnesota, New Jersey, Ohio, Iowa, Washington, Indiana, Georgia, Montana, Missouri, North Carolina, Rhode Island, Massachusetts, and Virginia. In addition, the CLSF has funded the filing of 36 states dental board complaints against Smile Direct Club in those jurisdictions.

Legal and advocacy needs at the state level only continue to grow with direct-to-consumer orthodontic issues as well as recent actions by state dental boards trying to revise or rescind their dental specialty advertising regulations, most often at the request of the American Board of Dental Specialties (ABDS). To date, these advocacy issues have been handled mostly in-house by the AAO's legal department. Given the legal department's current size and other responsibilities, it has run out of capacity to address all the legal and advocacy issues at the state level impacting orthodontics. With that in mind, consideration has been given to establishing a Government Affairs Department at the AAO with a director and support staff (potentially 3), who could more closely track state issues and effectively oversee the AAO's legal and advocacy efforts. As far as tracking state issues, the Government Affairs' support staff would each be given a region of the US, for which they would be responsible for regularly reviewing each state's: (i) dental board agendas and minutes, (ii) legislation being proposed, and (iii) news from local dental associations, flagging issues pertinent to orthodontics. The Government Affairs' staff would also be responsible for establishing close relationships with state dental boards and associations in their regions, to further build alliances and support for our issues. As far as overseeing the AAO's legal and advocacy efforts, the Government Affairs director would work with the staff to draft comments to regulatory and legislative changes, contract and work with lobbyists (when necessary), and arrange state Hill visits and attendance at dental board meetings for issues of significance. Those working in the Government Affairs department might also be tasked with additional responsibilities, such as AAOPAC fundraising for their regions, federal oversight, and establishing state networks for advocacy purposes.

BUDGETARY IMPLICATION:

STRATEGIC PLAN REFERENCE:

OUTCOME/MEASUREMENT:

ACTION	TIMING	STAFF	MEASUREMENT/UPDATE

As we can see, the role of AAO staff could be increased in manpower and scope. The idea is to create a support staff that does nothing but track activities at the state level, and anticipate areas of interest in order to be proactive instead of reactive. As envisioned, the staff would report to COGA.

The implications of this, in regards to COGA's activities at the federal level, remain to be seen. It is certain that some of our lobbying efforts in Washington D.C. are duplications of the same efforts by other interest groups, some of which have more lobbying influence than the AAO.

I think it is going to be challenging and interesting as the AAO gets more involved in the various states.

Respectfully submitted.

Phil Beckwith