

The Importance of Lobbying

By Padraic B. Deighan, M.B.A., J.D.

In the May/June 2006 issue we covered a very contemptuous topic, pending legislation in California and Florida. We mentioned political clout and made reference to efforts to affect legislation. There is no more powerful way to achieve this other than lobbying.

Collective bargaining has been the most powerful way for certain areas of business to achieve the ability to shape their own destiny. Professional sports would be a tremendous example of the power of collective bargaining. However, physicians have had historically limited benefit from collective bargaining. Over the years, efforts have been made to allow physicians to collectively bargain. The goal of these efforts was to "level the playing field" with

insurance companies.

Despite some limited success with collective bargaining, it is not a powerful tool for physicians. There is another option: Lobbying.

Lobbying has been an integral part of our political system since the early days of American politics. Physicians have been slow to embrace this powerful tool. It is my suggestion that physicians become more involved in this process.

EDUCATING LEGISLATORS

Perhaps many have the mistaken notion that lobbying is manipulative at best and sleazy at worst. Nothing could be further from the truth. The reality is that lobbying is a method

to educate legislators. Our system is built on politicians representing the interests of their constituencies. Lobbying is a powerful means to educate the legislators and let them

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know how you as an individual and as a group feel about certain issues.

Lobbying is not only an option for physicians in the aesthetic or cosmetic industry, it is essential. This is the only way that your thoughts and experience will be heard. Legislators need to hear from you. The practice of medicine is being eroded by external factors such as the non-physician practice of medicine.

The public perception of medical conditions and procedures is being changed daily through advertising by skin care companies, health and nutrition entities, and non-physicians. Before too long the public will not perceive many medical conditions and procedures to be medical.

There are copious examples of this. Many spas and salons are performing acne, rosacea, and eczema treatments. Many offer anti-aging treatments which are clearly medical. There are non-medical facilities offering non-surgical face lifts! Many non-medical facilities are providing health and wellness advice which is clearly medical in nature.

Other examples are pain

management, health and nutrition, and skin care. The claims made by skin care manufacturers and the distributors of the products are outrageous. In many instances if the product performed as promised, or in the manner promised, it would be federally classified as a drug. Yet the claims continue and actually become more and more outrageous. This week I saw an advertisement in a spa trade journal for a skin care product which claimed to alter DNA structure!

These same facilities also utilize medical devices which require physician ownership, supervision or actual treatment.

It is undeniable that the above is happening. There is no better way

to inform the public and halt these practices than to lobby. Legislators have no idea the magnitude of this problem. Certainly there are isolated instances in which a client (note, not a patient) was burned or scarred from a procedure in a non-medical environment. However, the reporting of these instances is rare and considered to be isolated incidents. Those of us in the industry know that for every report in the media, there are thousands of others. Legislators need to know this. They need to be reminded about what is medical.

The only method to achieve this is a sequential manner to educate and inform the legislators. They are likely to see things the way we all do, IF they are given an appropriate education and in an appropriate manner.

I-PLEDGE PROGRAM

In the May/June 2006 issue, I discussed the difficulty that dermatologists have had with the "I-Pledge" program for prescribing iso tretinoin (Accutane et al). The unfortunate thing is that a drug with a high safety profile and exceptionally high efficacy is now very limited to the public. It is limited because of the exorbitant steps necessary for a dermatologist to prescribe this useful drug.

I am proud to report that the matter is under review and The United States Food & Drug Administration has been asked by eight U.S. Senators to review its policy on iso tretinoin prescriptions. I am proud to report this because it was extensive lobbying efforts which brought about this change. This





to report. We will rarely hear of the benefits of a successful lobbying effort. We will only hear about those instances when a lobbying effort went wrong. Truth be told, when the lobbying efforts appear to be salacious, it really was not a lobbying effort at all. It was more of a political insider who influenced a particular politician.

Having stated all of this, what can we do? In the future, there will be the opportunity to participate in organized lobbying efforts to reinforce the practice of medicine in the aesthetic, healing, wellness, and anti-aging (from a cosmetic and biological perspective). We will all need to participate in this process. The best way to participate is to gather information. Keep records of patients treated medically in a non-medical environment. Keep records of the problems associated with such occurrences. Too frequently a physician will state, "Well I had a patient who received an abc treatment for xyz condition." The presumption in this scenario is what the public already believes: that this is an isolated instance.

Each time you see an advertisement which offers what we all know to be a medical treatment in a non-medical environment, save the advertisement in a file (you do not want to see how thick my file is on this)!

When you see a news story which quotes someone other than

a physician on a medical procedure or device, take note of the story and take notes of the network, topic, and alleged expert.

Naturally, all of the education and information will be costly as well. This is an undeniable element to the lobbying process. However, to intelligently gather the information and present it in a responsible way

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will take a lot of time and energy, and yes, funding. We cannot escape this. The alternative is an approach which will have little impact—Money spent for education not influence. 

anticipated change will benefit tens of thousands of iso tretinoin patients.

There is no other method in which this result could be achieved. It is important to point out that this lobbying effort was educational and informative in nature. Once the Senators saw the overwhelming evidence that this is a safe and effective class of drug, they rallied behind it. There was no offer of money. No bribes. This is an illustration of effective lobbying, and it is typical of most lobbying efforts.

FUTURE EFFORTS

Unfortunately, the public only hears when lobbying goes awry. Those incidents in which there was a bribe or favor or "pork barrel" situation are what the press loves



Aesthetic Trends' Contributing Editor **Padraic Deighan, M.B.A., J.D.**, is the owner and President of Aston McLaren LLC. Aston

McLaren LLC is a medical and spa consulting firm located in Voorhees, New Jersey. He is a member of the American Health Lawyers Association and a former American Bar Association Chairman of the Health and Insurance Law Committee. He is available by email at astonmc@aol.com or you may contact him by phone at: 856.220.8130.