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How to Eat an Elephant

When it comes to some legislative actions, spa professionals can either eat or be eaten.

OVER THE LAST SEVERAL YEARS WE'VE REPORTED ON the efforts of some powerful lobbying groups to limit procedures estheticians and other spa professionals can perform. We talked about New Jersey dermatologists and that state's Board of Cosmetology attempting to prevent estheticians from performing microdermabrasion. We discussed some chiropractors' efforts to motivate the Mississippi Board of Massage Therapy to prevent spa massage therapists from performing craniosacral massage. The problem we've consistently found with much of this legislation and regulatory effort is that it often goes far beyond what's necessary to limit a particular procedure.

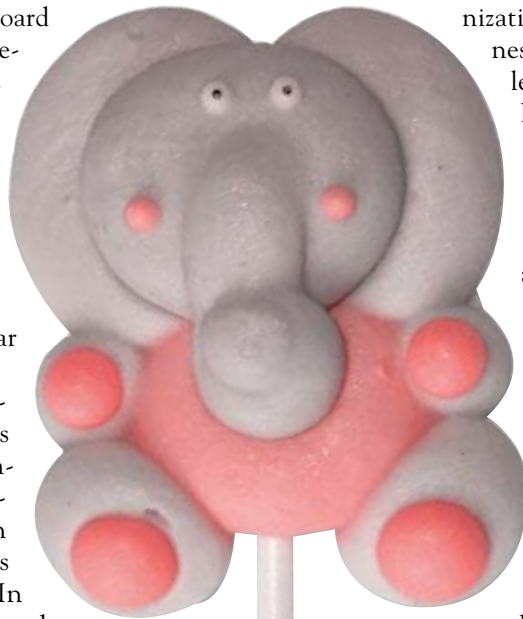
As more and more physicians open medical spas and hope to reduce competition from nonmedical personnel through legislation, this trend is expected to continue. In past articles, we've suggested that it would serve spa owners' interests to work through state and national organizations that might have the resources to resist efforts of powerful medical lobbying groups. Some of the legislative efforts by the larger state and national organizations have blunted some restrictions; however, these organizations haven't been as effective as many in the industry would have hoped.

As with any major undertaking, effectively countering powerful lobbyists requires a methodical and strategic approach, but you can succeed if you undertake the challenge in small bites.

Bite No. 1: Realize that the good legislators are glad you're dining.

There's no question that large trade organizations can have an impact on legislators. However, a single voice may be louder than you think. Individual contact with legislators—especially on the part of business owners—can be just as effective as the efforts of larger organizations. In fact, contact by business owners from within the legislator's constituency may have an even greater impact on legislators than that of national lobbying organizations. Legislators understand that business owners are usually leaders in their communities and, consequently, have influence. Even if you aren't actively involved with elections, legislators usually assume you are.

Another reason why experienced legislators like to hear various viewpoints about proposed regulations and legislation is that they understand that the language used in legislation always has unintended consequences. For instance, the language of some regulations in Mississippi that would prohibit craniosacral massage ends up calling for the prohibition of adjusting of osseous tissue (bone) by applying greater than 5 grams of pressure—the weight of a paper clip. If these regulations were to go into effect, they might well prevent *all* massage. Certainly, no Mississippi legislator wants the reputation of sponsoring legislation that prevents massage therapy from being conducted by anyone other than chiropractors. Therefore, they appreciate



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when people bring to their attention potential problems from poorly or broadly worded legislation.

Bite No. 2: Know what you're eating.

Before you approach a legislator, make sure you thoroughly understand the issues. Nothing will destroy your credibility more quickly than misstating key facts or demonstrating that you simply don't understand the fundamental issues surrounding a piece of legislation. The legislator will tune you out immediately and you'll be classified as a complainer who doesn't bring solid information to the table. On the plus side—and you may be shocked to hear this—unless the legislator is a sponsor of the bill, there's a high likelihood that you'll know more about the legislation and far more about your own industry than the legislator him- or herself. In that case, your knowledge will be appreciated.

Bite No. 3: Smile as you chew.

Legislators don't want to hear from extremists because they know people like this rarely get anything accomplished. So, part of your credibility will depend on adopting a balanced approach that includes an understanding of your opponent's viewpoint.

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If you're able to articulate the concerns of the other side and point out how altering the legislation could still satisfy their concerns while limiting the unintended consequences on your profession, you're likely to be looked upon as an asset.



Let's take the example of a judge in a courtroom. Judges love it when two attorneys can come to an agreement on various issues before the court. It diminishes everyone's workload and, frankly, reduces the judges' exposure because agreed-upon matters aren't usually subject to appeal. Legislators are like judges in the sense that they oversee a conflict between two opposing sides. If a legislator can get those sides together and have them work out differences about language in a given piece of legislation that will meet approval with the competing interests, that legislator is then able to satisfy both portions of his or her constituency. If you appear to be the kind of person who will facilitate negotiation and agreement with the other side, your place in the legislator's heart will be assured.

Bite No. 4: Be a picky eater.

When approaching a legislator, don't discuss the universe of issues facing spa owners. Legislators know they can't

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solve the world's problems in a single legislative session and don't have much patience with those who demand they try. Find a specific and important issue and relate it clearly and concisely. Remember, you eat an elephant one bite at a time, so carefully pick the morsel upon which to chew.

Bite No. 5: *Know how and when to eat.*

Having successfully digested Bites No. 1 through 4, you're ready to determine the best way to

contact your lawmakers.

You can usually turn to the World Wide Web. Most states have websites that will allow you to determine who represents you, along with their contact information.

Make a quick phone call to the receptionist in any legislator's office to determine his or her preferred form of communication. I believe that a typed letter on professional letterhead always has greater impact upon the recipient than email, which, though it can certainly convey opinions and ideals, is ethereal—subject to the delete button. There's no substitute for a brief, concise and well-written letter placed in the hands of a staffer or legislator.

Bite No. 6: *Look at what you're eating.*

If you're the type who can't bear to be served fish

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with the head on, you'll have to get over this when dealing with legislators. As experienced businesspeople know, face time is essential in developing relationships. You

must meet with your legislator in person. Make an appointment or request a list of public appearances so you can step up and introduce yourself with a smile. Then rein-

roduce yourself during future face-to-face meetings.

Remember, the effectiveness of memory is usually context specific; if you meet someone who's already bombarded by issues and concerns at that moment, it's less likely that he'll remember essential facts about you later. So be patient and persistent. The best time to contact legislators is when they're between sessions and less harried.

Once you've established a personal relationship with your legislator, invite him or her to speak before your trade group. Making contact with large numbers of people at the same time is the lifeblood of a legislative career, and legislators seek every possible opportunity to make those kinds of appearances. Giving them such an opportunity will, in most cases, be appreciated.

Bite No. 7: Eat the innards.

Yes, you too can be an insider. In fact, you might find politics to be addictive. Many people, after making contact with their legislators and learning about the legislative process, can't get enough. If you're one of these people, you'll start to learn more, like the way most bills go to committee, and sometimes several committees, before they're passed. It's always a good idea to get to know committee chairmen. They have a great deal of impact on what kind of action will be taken on a particular piece of legislation—if any action will be taken at all.

Bite No. 8: Make sure your eyes aren't larger than your stomach.

If there's no room in your life for making individual contact with legislators, you can work through a trade organization. One bit of