



ACTIVIST TRAINING KIT

TEXAS WATCH

Dear Activist,

Thousands of Texas Watch activists have joined with us to make their voices heard amidst the battle against wealthy special interests at the Texas Capitol. This Activist Kit can help show you ways to make your voice heard to protect your interests as a patient.

This Activist Kit provides a few of the fundamentals to learn before you pick up your slingshot and take on Goliath. It will take you step-by-step through the legislative process, how to lobby, how to work with the media and ways to stay updated and involved. We have included internet resources for activists, so that you can make a real difference without even leaving your home.

Texas Watch and Texas Watch activists across the state are up against special interests with well-paid lobbyists and expensive public relations campaigns. We will never match their financial resources, but we have something more important – the power of our voices and strength in numbers.

We hope that this Activist Kit will help you work with us and other activists from around Texas to strengthen consumer protections and pass meaningful reforms.

We are not afraid of giants.

Sincerely,



Alex Winslow
Executive Director



Megan Morrow
Outreach Director



TEXAS WATCH ACTIVIST TRAINING KIT

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ABOUT US

Founded in 1998, Texas Watch is a non-partisan, advocacy organization working to improve consumer and insurance protections for Texas families and to ensure that our political system is open and accessible for all Texans—not just the powerful few.

Texas Watch focuses on the following issues important to Texas families: consumer and insurance protections, workplace and patient safety, and homeowners' rights. Our goals are to strengthen safeguards for children and seniors, lower insurance rates, provide safer workplaces, hospitals and neighborhoods, and level the playing field for homeowners and small businesses.

Texas Watch's thousands of activists across the state make their voices heard to preserve their rights and protections. Texas Watch strives to provide a counter to wealthy special interest lobby efforts and ensure Texas laws reflect the true needs of Texas families and consumers. Texas Watch members have provided testimony to legislative committees, participated in consumer legislative lobby days, testified in regulatory rule-making activities and spoken with media about consumer protection issues.



THE REAL IMPACT OF THE CAP

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BACKGROUND ON THE CAP IN TEXAS

Texas voters were given a false choice in 2003: lose their doctors or lose access to their courts. After a decade of heated debate and campaigning, the Texas legislature passed House Bill 4 that would cap non-economic damages on medical negligence at \$250,000. Because this required a constitutional amendment, Texans were sent to the polls. The amendment, known as Proposition 12, placed severe and arbitrary restrictions that make it nearly impossible for those devastated by medical negligence to seek justice through our courts, in part because it can cost more to bring a case to trial than could be possibly recovered, in particular for cases involving children or retirees.

As Texans prepared to vote on Proposition 12, they were inundated by an insurance industry funded onslaught of slick advertising designed to scare them into thinking that their health care system would collapse if they didn't give up their constitutional right to seek justice in our courts. As is often the case in political campaigns, the facts about the issue gave way to overblown assertions about a so-called medical liability "crisis" that simply did not exist. In fact, a landmark study by legal scholars from three major universities found that the number of large medical liability payments (over \$25,000) in Texas were actually stable between 1991 and 2002 while the number of small claims dropped significantly. The study showed that the number of claims per 100 Texas doctors also fell 28.12% (from 6.4 to 4.6) between 1990 and 2002.

Moreover, proponents of Proposition 12 claimed that doctors were fleeing our state because of this liability "crisis" and that with the passage of tort reform measures we would see a marked increase in the number of doctors serving every corner of Texas. The reality however, was that doctors were never really leaving. Statistics from the Texas Medical Board (TMB), the state agency responsible for licensing doctors, show that since 1997, Texas has seen a steady increase in the number of doctors licensed to practice medicine. Between 1997 and 2003, Texas had an average annual rate of increase in

medical licensees of 3.5%. In 2002, the year before Proposition 12 was debated and passed, the rate of increase jumped to 5.11%—a figure well above the average rate of growth.

Texas voters issued a split decision on Proposition 12 in 2003 (51.13% to 48.86%), narrowly stripping away the right to legal accountability through our courts. Patients were told to expect significant improvements in health care across the state, as well as dramatically lower medical liability insurance premiums for their family doctors.

Well, where are we today? The sad reality is that little has changed to improve health care for those who most need it. Underserved areas remain underserved, and medical specialists are still lacking in many Texas counties. Every underserved region in our state has seen lower average growth in the rate of new doctors in the three years after Proposition 12 passed (from 2004 to 2006), than in the three years before (2001 to 2003). In particular, during the debate on Proposition 12, proponents of the measure bemoaned the lack of specialists—especially obstetricians—in counties all across Texas. According to TMB statistics, 152 of Texas' 254 counties (59.8%) did not have an obstetrician in May 2003. What is not mentioned, however, is that three years later, that trend persists. In fact, *fewer* Texas counties have an obstetrician today than before Proposition 12. In May 2006, 156 counties (or 61.4%) reported no obstetrician licensed to practice in their county.

Lastly, medical errors continue unabated. There is no evidence to suggest that the rate of medical errors has dropped at all since the passage of Proposition 12, but there is cause to believe that patients may be at greater risk.

In sum, what *has* changed since 2003 is that patients are less safe and the leveling foundation of our courts has crumbled. The reality is that we did not have to settle for this false choice. **We can – and should – have both strong legal protections, as well as access to quality, affordable health care. Citizens should not be forced to choose between the courts—our most important and effective forum for ensuring accountability—and a quality health care system.**

SUGGESTIONS FOR FURTHER READING

There are a number of other resources that you can go to for more information on this issue. Here is a sampling:

- Batchelor, Suzanne. "Baby, I Lied," The Texas Observer, Volume 99, No. 20, October 19 2007: 9-13.
- Mencimer, Stephanie. Blocking the Courthouse Door, New York: Simon & Schuster, Inc., 2006.
- Swartz, Mimi. "Hurt? Injured? Need a Lawyer? Too Bad!," Texas Monthly, November 2005.
- Texas Watch. "The False Choice: Doctors or Accountability, The Real Impact of So-Called Tort "Reform" in Texas," February 2007.
- Visit our "Medical Negligence and Patient Safety" page at www.texaswatch.org/PatientSafety for more studies and research.

ACTIVIST STORIES

Brenda Goode Killeen, Texas

Brenda Goode lives in Killeen, Texas with her daughter and two granddaughters. She works as a housekeeper at a local clinic. Her son Brian died at the age of 27 because of a preventable medical error. Sadly, the Goode family has not been able to hold those responsible for Brian's death accountable because Proposition 12 has limited their access to our courts.

Brian was born with a cyst on his brain but it wasn't found until he was 10 years old and a shunt was surgically implanted to drain fluid from his brain. In 2001, when Brian was in his early twenties, the shunt was replaced because he had two seizures.

Brian began to have more frequent seizures and severe headaches in February 2005. Brian's doctor ignored signs that indicated that the shunt was malfunctioning and instead prescribed Brian seizure medication. Brian soon lost 60 pounds and couldn't walk without falling. Brenda and Brian made frequent trips to the emergency room over the next several months. Because of the time she had to spend caring for her son, Brenda feared that she might lose her job.

One night, Brian had a seizure which caused him to stop breathing and foam at the mouth. Brenda revived him with CPR and called an ambulance to take him to the hospital. At first, the doctors refused to admit him to the hospital, but Brenda insisted because she knew the shunt was not working.

Three days later, a neurologist examined Brian and determined that the shunt was malfunctioning and that fluid had collected on Brian's brain. He scheduled a shunt revision for Brian to correct the problem. At 11 p.m. that night, Brenda had a feeling that she needed to check on Brian. When she entered his hospital room, it was dark and silent. Brian was unresponsive and not breathing. They called a code blue and tried to revive him, but it was too late.

That night, Brian died needlessly.

Afterwards, the neurosurgeon spoke with Brenda at length and admitted that if they had looked back earlier at previous CAT scans, they would have caught the significant increase in the fluid on his brain caused by the malfunctioning shunt.

Due to the cap on non-economic damages created by Proposition 12, Brenda is not able to hold those who caused her son's death accountable.

Cynthia Sledge Leander, Texas

Cynthia Sledge lives in Leander, Texas with her husband and four children. She's a stay-at-home mom and piano instructor who takes a great deal of pride in caring for her children.

In January 2005, Cynthia was 29 weeks pregnant with her fourth child, a baby boy named Ethan. Her doctor determined that she had preeclampsia, a condition characterized by extremely high blood pressure that is responsible for killing 76,000 mothers and babies each year. Cynthia's uncharacteristically high blood pressure led her doctor to have her admitted to the hospital immediately to deliver her baby.

After arriving at the hospital, her blood pressure was so high that her doctor decided that Cynthia needed to deliver her baby within the next 24 hours. Because she was still more than two months from her due date, Cynthia was given a steroid to help mature her baby's lungs. Her personal obstetrician went home for the weekend, and left Cynthia in the care of the on-call doctor who checked on Cynthia only one time over the weekend.

Her blood pressure was so high that it repeatedly triggered the alarm on her blood pressure monitor. Instead of treating her dangerously high blood pressure, her bedside caregivers simply turned the machine off. As time passed, Cynthia's condition continued to deteriorate. Her personal obstetrician returned to work at the hospital on Monday and was shocked to discover that Cynthia had not delivered her baby yet and immediately induced labor.

Tragically, Cynthia began to have a stroke which went unnoticed by the doctor and nurses. The stroke left her disoriented and unable to participate in her labor.

Her doctor left and went home because the labor was not progressing. The doctor was paged repeatedly to return and arrived just as Ethan was being born. Afterwards, the nurses tried to give Cynthia something to eat, but she was unable to swallow. The next morning, she lost her vision entirely.

She was released from the hospital, still disoriented and unable to see or swallow. She went to an ophthalmologist out of concern for her vision and was informed her that she had a stroke when she was in delivery. Two years later, this mother of four still does not have complete vision.

Due to the limitations on non-economic damages created by Proposition 12, Cynthia has been unable to hold the wrongdoers responsible for her stroke accountable.

Sylvia Fuller Tyler, Texas

Sylvia Fuller lived in Tyler, Texas. Her three children, David, Karen and Clay are grown, and Sylvia was happiest with all of her children around her. She was dearly loved by her family and her friends.

Sylvia attended a family picnic on the afternoon of August 7, 2004. Early the next morning, her daughter Karen took her to the emergency room because she was vomiting uncontrollably and had extremely high blood pressure and severe abdominal pain. After blood tests, an abdominal x-ray and a 12-lead EKG, the emergency room doctor diagnosed her condition as food poisoning even though nobody else who had attended the family picnic had fallen ill.

The doctor did not perform a CT scan, despite her symptoms. It took several doses of anti-nausea medication to stop her vomiting. She was also given morphine for her severe abdominal pain, which the doctor claimed was simply due to the repeated vomiting. Despite Karen's reluctance, Sylvia was discharged from the hospital thirty minutes after she was given the morphine shot.

Karen took Sylvia home. Later that day, Sylvia fell out of bed, perhaps still disoriented from the morphine, and was unable to call for help. Karen and David began to worry after their mother did not answer repeated phone calls, so Karen drove to her mother's house to check on her.

Sylvia died shortly after Karen arrived, approximately fourteen hours after being discharged. She died at 10:38 PM after vomiting copious amounts of what paramedics identified as old, dark blood.

The medical records from Sylvia's emergency room visit revealed that she had elevated cardiac enzymes, a low potassium level, and an irregular heartbeat. Her chart stated her irregular heartbeat was caused by a drug called Digitalis – except that Sylvia had never taken Digitalis, and as such, it was not listed with her other medications on her chart.

The medical records also indicated that Sylvia's EKG results were abnormal, but neither Sylvia nor Karen were informed of that or of Sylvia's elevated cardiac enzymes, the other indicator of a possible heart problem. Common practices suggest the emergency room doctor should have told them of the test results and conducted further tests, instead of simply sending her home.

Sylvia's children miss her desperately, but Proposition 12 has blocked them from seeking justice for her death.

TEXAS WATCH

In response to a one-sided column by San Antonio Express-News columnist David Hendricks, Texas Watch set the record straight about the real impact of so-called tort "reform." Rather than relying on insurance industry talking points and spin-meisters for information about the ramifications of Proposition 12, Mr. Hendricks should talk with the countless Texas families who have been devastated by medical errors and negligence without any legal accountability system to protect them.

San Antonio Express-News

Comment: 'Reform' injurious to patients in Texas

June 16, 2007

N. Alex Winslow
Special to the Express-News

David Hendricks' column about the impact that so-called tort "reform" has had on the insurance industry in Texas reads more like industry talking points than real reporting ("Insurance companies, doctors flock to Texas," June 1, Business).

He fails to provide any context for his assertion that doctors have seen reductions in their medical liability insurance or in his applause of the recent increase in physician license applications at the Texas Medical Board.

Worse still is the fact that he fails to ask how this impacts average Texans who continue to struggle to keep up with the high cost of health care and who face the very real threat of medical errors.

Moreover, Hendricks quotes Joe Nixon at length without disclosing that Nixon is a special interest lobbyist whose clients include entities with a radical anti-consumer agenda. Additionally, Nixon is a former state legislator who has received hundreds of thousands of dollars from special interest groups bent on stripping individuals of their legal

rights. He is by no means an impartial observer.

The reality is that any supposed reductions in medical liability insurance premiums are dwarfed by the steep overcharges that doctors continue to face. Until Texas enacts comprehensive insurance reform, doctors will continue to be gouged by the insurance industry — just like the rest of us.

Additionally, in the effort to license new doctors, we must be careful to admit only the best and most qualified physicians.

We cannot allow Texas to become a dumping ground for the nation's bad doctors. Without a real accountability system and true oversight of the medical profession, we are running that risk today.

Finally, Hendricks ignores one aspect of the 2003 legal changes entirely. What about the untold numbers of individuals and families devastated by medical errors who are no longer able to hold those who harmed them accountable?

We need stronger patient safety standards to prevent errors and stricter accountability measures to hold wrongdoers responsible.

I hope Hendricks takes the time to look beyond the talking points offered by the insurance industry and its spin-meisters in the future to see how an issue as complex as this has really impacted his readers.

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THE TEXAS LEGISLATIVE BRANCH

Function

The Legislature of the State of Texas is the state's lawmaking body. Its primary function is to enact laws to provide for the health, welfare, education, environment, economy and general well-being of the citizens of Texas.

Membership

The Texas Legislature consists of two separate chambers: a 31-member Senate and a 150-member House of Representatives. Senators are elected to four-year terms and representatives are elected to two-year terms. Each senator represents around 600,000 Texans and each representative represents more than 100,000 Texans.

Legislative Sessions

The Legislature convenes in a regular Legislative Session in Austin every odd-numbered year in January. Sessions are limited to 140 days duration. The constitution also allows the Governor to call additional special sessions limited to 30 days as necessary. During a special session the Legislature may only consider legislation on matters specified in proclamations issued by the Governor.

The 82nd Legislative Session

The 82nd session begins in January 2011. The legislative session will provide new opportunities to lobby for and pass real insurance reforms.

HOW A BILL BECOMES A LAW

More than 12,200 pieces of legislation were filed in the 2009 Texas Legislative Session. Out of this number, only 1,459 bills were passed into law. A bill can be introduced in either the House of Representatives or the Senate. In the following example a bill is introduced in the House of Representatives. A bill introduced in the Senate would go through the same steps, but it would start in the Senate and then move over to the House of Representatives.

- **Introduction and 1st Reading.** Any legislator can introduce a bill. The vast majority of bills are introduced within the first sixty days of the session.
- **Committee Hearing.** The Speaker of the House (or the Lt. Governor in the Senate) assigns the bill to a committee. The committee will usually hold a public hearing on a bill. The committee will pass the bill on to the full House of Representatives, reject the bill, or leave it pending without action.
- **Calendars Committee.** If the bill is passed out of its committee, it goes to the Calendars Committee to determine whether to schedule it for a reading by the full House of Representatives. In the Senate, the Lt. Governor determines whether the full Senate will consider a bill.
- **2nd Reading.** The bill will be debated in the full House of Representatives and may be amended and/or passed on to the 3rd reading with a majority vote.
- **3rd Reading.** The following day, the bill is debated again and can be amended by a 2/3 vote. If a majority of Representatives vote in favor of the bill, it will pass out of the House of Representatives and move over to the Senate where it will follow the same steps.
- **Conference Committee.** If both the House of Representatives and Senate pass the bill, but with slight differences, it will go to a conference committee made up of 5 members from each chamber where differences will be resolved. If the differences are not resolved, the bill will die.
- **Sent to Governor.** If the Governor signs the bill or does not veto it by a certain deadline, it becomes a law. If the Governor vetoes the bill, it will take a 2/3 vote by both the House of Representatives and the Senate for the bill to become a law.

THE COMMITTEE SYSTEM

The size of the Legislature, the volume of introduced legislation and the limited amount of time in a Legislative Session make it impossible for each legislator to thoroughly deliberate all proposed measures. Therefore, basic business in both the House of Representatives and the Senate is conducted according to the committee system.

Committee Membership

Committees are appointed at the beginning of each regular session and typically consist of 7 to 15 members.

In the House of Representatives the membership of committees is determined in part by seniority and in part by appointments by the Speaker of the House. Each Representative serves on at least one committee, and most Representatives are members of two or three committees. In the Senate, the membership of committees is determined entirely by appointment by the Lieutenant Governor. Senators typically serve on three or four committees each.

The Role of a Committee

Committee action is the first crucial step in the process by which a bill becomes law. The Speaker of the House and the Lieutenant Governor assign bills to specific committees based on the bill's subject matter. After considering a bill, a committee may choose to take no action, reject the bill, or report the bill onto the full House of Representatives or Senate for consideration. A committee report may recommend passage of the bill without amendments, or it may recommend amendments to the bill or even substitute a new bill for the original document. A large percentage of legislation proposed is never reported out of committee.

Public Participation

All committee business is conducted in open meetings and public testimony is almost always solicited.

A committee hearing is one of the best chances for citizens to take part in and influence the legislative process. Committee hearings are the only step in the legislative process where public input is actively solicited and may be the only opportunity for an activist to address more than one legislator at a time. Texas Watch organizes and trains activists who want to testify at committee hearings on consumer issues. If you are interested in sharing your personal story or opinions at a hearing, please give Texas Watch a call.



TRACKING BILLS THROUGH THE LEGISLATIVE PROCESS

There are several sources that can help you learn about bills and follow them through the legislative process.

- **Texas Watch.** You can call us toll-free at 1-888-738-4226 to get updates on consumer-oriented legislation. You can also find legislative updates on our “Bills to Watch” page: www.texaswatch.org/bills.
- **Legislature’s Bill Status Information Line.** The official legislation tracking line of the State of Texas is 1-877-824-7038. It is toll-free and available only during legislative sessions.
- **Newspapers.** Your local newspaper will provide some information on current legislation. The larger newspapers often have sections devoted entirely to the Legislature and politics.
- **Texas Legislature Online.** See below for more information.

TEXAS LEGISLATURE ONLINE

<http://www.capitol.state.tx.us>

The Texas Legislature’s website has frequently updated information on the activities of the Legislature. If there is anything you want to know about what is going on at the Capitol, chances are you can find it on this website. On the Texas Legislature Online website, you can find links to:

- Homepages for Senators and Representatives
- Proposed bills and resolutions (you can search by number, subject, keyword, author, or committee)
- Find your Representatives and their contact information using your address
- Schedules for the House of Representatives and the Senate’s floor activities and committee hearings
- Web broadcasts from the Senate and House of Representatives chambers
- Information about the legislative process, Texas statutes and the Texas Constitution



FIND OUT WHO REPRESENTS YOU

To find out who your State Representative and State Senator are, go to the “Who Represents Me?” page on the Texas Legislature Online website at <http://www.fyi.legis.state.tx.us/>. All you need to do is type in your address and press “Submit”! In some cases, your address might be at the border of one or more districts, and several representatives or senators might be listed. If this happens to you, simply call up the offices of the representatives listed, tell them your address, and ask if you are a member of their district.

If you do not have an internet connection, you can also call us here at Texas Watch, and we will look up this information for you.

LOBBY YOUR ELECTED REPRESENTATIVES

What is Lobbying?

Lobbying is simply sharing your opinions with your elected officials and asking them to support or oppose legislation. The influence of wealthy, special interest lobbyists in Texas gives lobbying a negative connotation, but lobbying is a tool used by private citizens to protect Texas homeowners and families as well. **Lobbying helps your elected officials best represent their constituents' interests and needs.**

Ways to Lobby

- Attend a Texas Watch Lobby Day
- Write or email your legislators
- Call your legislators
- Schedule a visit with a legislator at their capitol or district office
- Testify during a legislative committee hearing

In general, the more personal your lobbying contact is, the more effective it will be. A personal discussion with a legislator is most effective. You do not have to be an expert on an issue to lobby. You simply have to ask a legislator to support or oppose a bill.

Why Lobby?

You have elected legislators into office to represent your views on important issues. If you share your opinions and thoughts with your representatives, you are helping them to do their job better.

Legislators rarely hear from their constituents on many issues. Sometimes hearing from a handful of concerned citizens will cause a legislator to pay attention to a particular issue and encourage him or her to vote the right way.

Legislators cannot know everything about every bill they have to vote on. They rely on their staffs for research and information, but they also get information from lobbyists. Professional lobbyists are paid



to communicate the needs of wealthy special interests including insurance companies, homebuilders, and big corporations. The information they provide does not reflect the needs of citizens or consumers.

That is why it is important for citizen activists to speak out and let their legislators know the needs and interests of citizens and voters. **In order for legislators to represent their constituents, they must hear from real citizens and not just paid lobbyists and special interests.**

WRITE TO YOUR LEGISLATORS

Tips on Writing to your Legislators

Writing a letter is the most popular choice of communication with a legislator's office. To improve the effectiveness of your letter, consider the following suggestions:

- **State your purpose.** Say why you are writing in the first paragraph of the letter. If your letter pertains to a specific piece of legislation, identify it accordingly (e.g., House Bill #_____, Senate Bill #_____).
- **Make a connection.** Mention if you are a constituent at the start of the letter, and indicate that the issue is important to the legislator's constituency. It also is helpful to use examples and personal stories to support your position.
- **Keep it simple and to the point.** Address only one issue in each letter, and if possible, keep the letter to one page.
- If you need some assistance with writing a letter to your legislators, please contact Texas Watch and we can help you.



Sample Letter to Legislators

The following sample letter can be used as a guide for writing to legislators about medical malpractice or patient safety reform bills. See page 19 for information on how to find your lawmakers' mailing addresses. Remember, individual letters are much more effective than form letters, so personalize your letter.

Dear Representative/Senator _____,

My name is _____ and I live at/in _____, and I am a constituent of your district.

I am writing to ask you to please support <name and/or number of bill>. This bill will help protect your constituents in <name of town or county> by holding bad doctors accountable and keeping patients safe.

OR

<If there aren't specific bills that you are advocating for, tell them you would like their support of overall medical malpractice reform.>

<Insert a few sentences here describing your personal experience with medical malpractice and the Cap.>

Too many Texas families have experienced the devastation of medical malpractice and the frustration of not being able to hold those responsible accountable. It is time to stop negligent doctors and protect your constituents by supporting this bill.

Sincerely,

<Your name and address>

CALL YOUR LEGISLATORS

Picking up the phone and calling your legislators may be the easiest and quickest way to share your opinion. **Don't hesitate to call. Remember that your legislator wants to represent the needs of his or her district.** By conveying your interests to your legislator, he or she has a better understanding of how to serve the needs of their constituency. Calling your legislators is also the easiest way to schedule an appointment in their district office. If you would like some assistance in preparing for this phone call, please contact us and we can help you. See page 19 for information on how to find your lawmakers' phone numbers.

During Your Call

- **Identify yourself.** When you contact the office, be sure to tell the person answering the phone that you are a constituent. Legislative offices get hundreds of phone calls a day. As a constituent, you should receive priority attention.
- **Make contact with the right person.** Remember that telephone calls are often taken by a staff member, not the legislator. Ask to speak or leave a message with the aide who handles the issue on which you wish to comment.
- **Leave a brief message.** After identifying yourself, tell the aide you would like to leave a brief message for the legislator, such as: "Please tell Senator/Representative (Name) that I support/oppose S.B. _____/H.B. _____."
- **State your reasons concisely.** Be prepared to explain your support or opposition to the bill in one or two sentences.
- **Learn your representative's stance.** Ask for your Senator's or Representative's position on the bill. You may also request a written response to your telephone call.

Sample Phone “Script” for Making a Phone Call to Legislators

The following sample script can be used as a guide for calling your legislators about a medical malpractice reform bill.

Hi! My name is _____ and I live at/in _____. <If you are a constituent, be sure to add the following:> I am a constituent of Senator/Representative _____.

Is there someone in your office I can talk to about patient safety issues?

I am calling today to ask for the Senator/Representative’s support for <name and/or number of bill>. This bill will help protect his/her constituents in <name of town or county> by holding negligent doctors accountable and keeping patients safe.

OR

<If there aren’t specific bills that you are advocating for, tell them you would like their support of overall medical malpractice reform.>

<Briefly describe your personal experiences with medical malpractice and the Cap.>

<If you are unsure of your legislator’s stance on this issue, you can also ask about it here.>

<If you would like to schedule a visit with your legislator, you can add the following:> Can I make an appointment to meet with the Representative/Senator or a staff member in person to discuss this issue further?

Thanks again, and I really appreciate your time and consideration.

<Note: if you are leaving a message on an answering machine, make sure to clearly state your name and phone number or email address.>

VISIT YOUR LEGISLATORS

If you would like to have a one-on-one conversation with your representative or legislative staff on a specific legislative issue, consider setting an appointment to visit your representative. You can visit them in the capitol *or* at their district office which is probably much closer to you. Remember that your legislator wants to represent the needs of his or her district and your input can be very helpful. If you would like some assistance in preparing for this visit, please give us a call and we can help you.

For a Successful Legislative Visit

- **Plan carefully.** Be clear about what it is you want to achieve and get out of the meeting.
- **Make an appointment.** Setting an appointment in advance is necessary. See page 19 for information on how to find your lawmakers' phone numbers. Call the legislator's office and ask to make an appointment with the Representative/Senator or a staff member to talk about patient safety issues. Staff members specialize in certain issue areas, so make sure that you are meeting with the correct person. Be sure to explain your purpose, any organization that you represent and your relationship to the area or interests represented by the member.
- **Be prompt and patient.** It is common for legislators to be late or to have a meeting interrupted. If interruptions do occur, attempt to continue your meeting with a staff member.
- **Be prepared.** Bring materials that support your position and leave them with your legislator. Legislators cannot know everything about every bill they have to vote on, so it is helpful to offer information and examples that clearly demonstrate the impact associated with a particular issue or bill.
- **Make a connection.** Wherever possible, demonstrate the connection between what you are requesting and the interests of the legislator's constituency. If possible, describe for the member how you or your group can be of assistance to him/her.
- **Ask for a commitment.** If you are meeting about a specific piece of legislation, make a point of asking the legislator to support the bill or oppose it. If possible, ask them to make a commitment to that position.
- **Follow-up.** After the meeting, send a thank you letter that outlines the different points covered during the meeting, and send along any additional information and materials requested.

TOOLS FOR MEDIA ACTIVISTS

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THE POWER OF MEDIA

For better or worse, the media influences public opinion and government actions. We are inundated with information from newspapers, radio, TV and the internet, and this news shapes public perception. **The opinions of decision makers are also shaped by the media, which is why it is important for activists to know how to use the media. It is even more important for activists to use media opportunities during the legislative session, when decision makers are actively making public policy decisions.**

Why is the Media Important to Activists?

- **Reach.** The media can reach a very large audience in a short period of time at no cost to you.
- **Awareness.** Your stories in the media will raise awareness and attention for your issues.
- **Opinions.** Your consumer problem as relayed by the media may influence the public or a decision maker to form a positive opinion.
- **Educate and motivate.** Your consumer related problem may be something that a member of the public or a decision maker has never thought about before. You can educate the public and potentially motivate them to care about your issue by telling your story through the media.

THE POWER OF MEDIA

Influencing the Media

There are some media sources which are cost-prohibitive to ordinary citizens, like television commercials for example. Fortunately, there are many more media sources that activists can influence without much time, money or expertise.

- **Letter to the editor.** A letter to the editor allows you to have your own words printed on one of the most-read pages of the paper. The letters section of the newspaper is one of the few media sources designed specifically for public opinions, so it is very accessible for activists. Learn more about writing letters to the editor later in this section.
- **Texas Watch press conference.** Texas Watch holds several press conferences every year to bring attention to consumer-related issues. If you would like to speak at a press conference about a consumer problem that you have experienced, please give us a call.
- **Consumer reporters.** Your local TV stations and newspapers may have reporters that investigate and publicize consumer related problems. Call them and tell them your personal consumer problem and ask them to do a story on it.
- **Radio call-in shows.** Radio call-in shows are another example of a media source designed specifically for public input. Find out from your local radio stations if they have call-in shows and if they print a schedule of topics. Make sure to listen to the show when they are talking about consumer issues and call in to share your own story and opinions.

WRITE A LETTER TO THE EDITOR

Writing a letter to the editor of your local newspaper is an ideal way to share your opinion, not only because the letters page is among the most often read parts of the paper, but also because legislators look to it to measure public opinion. Most letters received by newspapers are not printed. However, it is important to write because a newspaper is more likely to print a few letters on a certain topic if they have received dozens of letters from people on the same issue. So even if your letter doesn't get into print, it may help another letter with a similar point of view get published.

You can learn how to send a letter to your local paper by giving them a call or by visiting their website and submitting it online. **Letters submitted online or by e-mail are much more likely to be printed than letters submitted by regular mail or fax.**

How to Write a Letter to the Editor

- **Keep it short.** Long letters are rarely printed. Letters should usually be under 250 words. Be sure to check the letter specifications of the newspaper you are writing as requirements vary.
- **Type** your letter.
- **Include** your name, signature, address and phone number.
- **Make one point** (or at most two) in your letter. State the point clearly, ideally in the first sentence.
- **Reference** the article, editorial or opinion you are responding to in the opening sentences. Include the title and publication date.
- **Make your letter timely.** If you are not addressing a specific piece that recently appeared in the paper, then try to tie the issue you are writing about to a recent event.
- **If your letter is a response to an opinion** piece by a journalist, make it factual, not rhetorical. Do not personally attack them; instead call on them to be responsible, professional, balanced and inclusive of diverse sources and viewpoints.
- **Support your facts.** Reference any facts, poll numbers, quotes, etc.
- **Find others to write letters.** This will show that more individuals in the community are concerned about the issue and increase chances of publication.
- **Follow up on your letter.** If your letter has not appeared within two weeks, call the editorial department of the newspaper. Ask that your letter be printed and see if you can make any changes that will increase the likelihood of it being printed.



SAMPLE LETTER TO THE EDITOR (LTE)

I would like to disagree with the recent article entitled " _____ " that was published on _____. <Insert specific response to what the author wrote>.

Proposition 12 has effectively kept negligent doctors safe from any kind of accountability. Not only have countless families been devastated by medical malpractice without any legal recourse, but Texas is now becoming a safe haven for bad doctors.

Enough is enough. We need real reforms that improve patient safety, strengthen accountability standards and make health care more affordable and accessible for Texans.

<Insert a few sentences describing your personal experience with the cap and medical malpractice.>

How much proof do we need that it is time for true reform that holds negligent doctors and hospitals accountable?

Sincerely,

Name, address or phone number

If you would like some assistance in preparing your letter, please contact Texas Watch and we can help you.

SHARE YOUR STORY WITH THE MEDIA

Whether you speak to the media as part of a Texas Watch press conference, or on your own, sharing your story with the media is a very effective way to make the public and decision makers aware of consumer problems and potential solutions. It can be intimidating to speak to a reporter or into a camera for the first time, but with preparation you can be very effective. If you're nervous about communicating with the media and would like some assistance in preparing, please don't hesitate to contact Texas Watch and we can help you.

- **Simply tell your story.** You do not have to be an expert or present scholarly analyses. You are already an expert on your story, which is what the media wants to hear. Stick to the main events of your story and exclude details.
- **Prepare.** Have an outline or your full speech written before you speak with reporters. Even the most seasoned speakers can get nervous and forget their train of thought once the tape or camera is rolling, but an outline can help bring you back to your points easily and quickly.
- **Practice.** Always practice your speech beforehand. Be aware of your tone, speed and length of speech.
- **Be concise.** A speech at a press conference should take 5 minutes or less. Television coverage will show 10 to 30 seconds of your presentation. Newspaper reports will present 1 to 2 sentence quotes. Don't worry about nitty-gritty details. If reporters want further clarification, they'll ask.
- **Give a sound bite.** Memorize one or two main sentences that sum up your main point. Look straight into the camera and deliver your sound bite sentence at the beginning and end of your speech to increase the chance that this quote will be aired or printed.



STAY CONNECTED & INVOLVED

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TEXAS WATCH KEEPS YOU UPDATED & INFORMED

Texas Watch is committed to engaging consumers in the political process. Texas Watch trains and mobilizes people who have actually experienced consumer problems - or those who want to be involved - so that they can effectively share their personal stories with decision makers and the media in an attempt to shape public policy. This commitment includes keeping you up-to-date on insurance reform issues and opportunities to get involved.

- **Email Alerts**

We send out regular email alerts to our activists about important legislation, issues and events. The alerts include simple actions you can take to help pass consumer protections. We will let you know which legislators, agencies or media outlets need to hear from activists, how to contact them, and what to ask for.

If you'd like to sign up, visit our website at www.texaswatch.org and click on "Sign Up for the Texas Watch E-Newsletter," or call us at 1-888-738-4226.

- **Texas Watch Reports**

On the Texas Watch website, you can read our latest reports on a variety of consumer issues. Go to the issue area that you are interested in, and you will find a listing of reports pertaining to that issue.

- **Newsletters**

Texas Watch sends newsletters to our members several times a year. In the newsletters, we include articles on our recent activities, consumer news, and ways that you can get involved. If you'd like to receive a newsletter, please email us at texaswatch@texaswatch.org or give us a call.

- **Join Us Online**

In an effort to keep you better connected and engaged, Texas Watch has increased our online presence. You can now interact with us and other Texas Watch activists through the following social networking sites:

Facebook (www.facebook.com/TexasWatch)

Myspace (www.myspace.com/texaswatch)

Twitter (www.twitter.com/TexasWatch)



GET INVOLVED AT TEXAS WATCH ONLINE

www.texaswatch.org/GetInvolved

Texas Watch's website is set up to make activism easy and accessible for Texans. On the top of the homepage, you will find a "Get Involved" tab. Click on the tab, and it will take you to our "Get Involved" page. Once there, you will find numerous tools to take action and make your voice heard, including:

- **Write to your legislators.** From our Get Involved page, click on "Write to Your Legislators" to find an email that you can quickly and easily send to your state legislators on the issues we are currently working on.
- **Share your story.** Have you experienced medical malpractice or gone through other consumer problems? Just click on "Share your Story" on the Get Involved page to tell your story to Texas Watch.
- **Tell A Friend.** Go to the "Tell a Friend" tab to tell your friends and family about Texas Watch and encourage them to get involved.
- **Request a Visit from Texas Watch.** Texas Watch is now available to speak on a variety of consumers issues to your organization or group. In addition, we can help train your group on grassroots activism or assist in letter-writing and media-writing campaigns. To get more information, click on this tab on the Get Involved page or go directly to www.texaswatch.org/RequestAVisit.
- **Lobby Days.** Texas Watch organizes a number of lobby days each legislative session. These events are unique opportunities that allow our members to share their priorities directly with their lawmakers by visiting their offices here in Austin. To find out what Lobby Days are currently being planned, please visit our website or give us a call.