

American Political Institutions and Health Policy
UCLA School of Public Health
Department of Health Services
HS 286

Fall 2005

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Classes: Monday & Wed, 10:00–11:50 am, Room 61-262 CHS

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Office hours: Monday 12-1 pm and by appointment. I strongly encourage students to meet with me during the quarter.

Course Description

In order to effectively participate in the policy process as an analyst, policymaker, advocate, or citizen, it is necessary to understand the institutional and political context within which policy is made. This course addresses this need by providing an introduction to Federal and state policy-making with particular focus on health policy. For students in the health services department policy track, the course is first in a three course sequence on policy and policy analysis.

Policy results from the interplay of four factors: interests and values, power, institutions that channel and structure the use of power to pursue interests, and personal relationships that are shaped by and also cut across institutional structures. Institutions, a key focus on the course have structure, process, leadership and culture, and the course requires students to examine how each influence the health policy process.

The course begins with a discussion of the issues policy addresses and the rhetoric used to discuss these issues. It then examines federalism and constitutionalism, the two foundations of American political structures. This initial discussion of structures is followed by an examination of stakeholders, the public, interest groups and the nature of the issue space for health policy. The course then turns to an examination of the structure and processes of political institutions at the Federal level: Congress, the Presidency and executive agencies, courts and administrative law. State responsibilities in the federal system and Federal/state relations are also discussed. The course closes with an examination of how analysis enters the policy process with an examination of the roles of Federal analytic agencies (OMB, CBO, GAO, CRS, agency policy and planning offices, and research agencies) and private research and advocacy groups.

Learning Objectives

Gain understanding of:

1. How issues are shaped and discussed in the policy process.

2. The institutional context and framework in which health policy is made.
3. The interaction of analysis and policymaking.

More broadly, the purpose is to allow each student to develop an understanding of how policy is made and analysis used, and how the characteristics of institutions and individuals shape policy.

Prerequisites

None

Assignments and Expectations

The amount of reading for this course varies from week to week. Some weeks the reading assignment is heavy. Often there are multiple readings with overlapping focus, although not necessarily overlapping perspective, and one of the tasks is to integrate the readings or identify why the authors reach different judgments. Students are expected to complete the readings for each session, think about them in relation to one another and the prior readings, be able to discuss them in class, and demonstrate knowledge of the substance of the readings and insight in writing. Assignments and grading are consistent with these expectations:

Weekly Written Assignments. In weeks 2-9, a 2-4 page paper on the weeks readings, addressing questions outlined in the syllabus, will be due at the start of each Wednesday class (unless otherwise specified). Those not attending the class should submit the paper by e-mail by the start of class. Five of these papers (those for weeks 2, 4, 6, 7, and 9) will be graded on a numeric scale. Subject to the modifications described below, your grade for the course will be based on the average of grades on these five papers.

The other papers will be graded on a check, check-plus, check minus scale and fewer comments will be provided. For each check-plus, one point will be added to the average grade of five graded papers for computing your class grade. Check-minuses will be given if a paper is not submitted or the submitted paper does not seriously address the writing assignment. Any check-minus will result in a half-letter grade reduction in course grade (e.g., B to B-). I do not expect to give any check-minuses. If a family or other circumstance will keep you from completing an assignment, please discuss it with me in advance and we will work it out.

Class Participation Given the importance of full and effective oral communication in a graduate course – and even more so in the world of policy making – part of the course grade will be based on each student’s individual participation, especially during the case discussions. “Participation” includes such things as demonstrating preparation and familiarity with the course readings, offering valuable insights, speaking clearly about complex subjects, synthesizing relevant information, answering questions effectively, posing pertinent questions, as well as *listening* to other members of the class and building effectively upon their contributions. The Wednesday class will generally involve discussion of a specific case or issue. *Students must be prepared at all times to be called upon during discussions.*

Exceptional participation – e.g., repeated discussion leadership, insight into and organization and synthesis of ideas in readings – will, at the discretion of the professor,

result in a half-letter grade increase in your final grade. Repeated, demonstrated failure to be prepared to participate in class will result in a half-letter grade decrease in the final grade.

Letter grades for the course will be assigned as follows:

98-100 = A+	88-89 = B+	78-79 = C+
93- 97 = A	83-87 = B	73-77 = C
90- 92 = A-	80-82 = B-	70-72 = C-
Below 70 = F		

You will get out of this course what you put into it. A's mean excellent work; B's are acceptable grades – they mean good work. It is possible to get a C in this course if you do not put in enough effort.

Note: Your feedback throughout the class is critical to helping me adjust the course throughout the term to assist your learning.

Format of Class

The Monday class will typically involve presentation and discussion of organizational structure and processes, and some discussion of organizational culture and leadership. The Wednesday class will generally examine a specific case or policy setting and discuss how the case tests, confirms or modifies the general understanding of how decisions are made.

Class sessions will typically have approximately the following format:

Monday Sessions:

10:00 Introductory business, listing of questions about the week's readings
10:10 Lecture and group discussion of week's topic and assigned readings
11:45 Five-minute feedback
11:50 End

Wednesday Sessions:

10:00 Group discussion of the week's case
11:30 Introduction to the next week's topic
11:45 Five-minute feedback
11:50 End

Required books and readings

Texts. The following books will be used extensively and are available through the UCLA Health Sciences bookstore:

Carol S. Weissert and William G. Weissert WG. *Governing Health: the Politics of Health Policy*. Johns Hopkins University Press, 1996. **(Weissert)**

Deborah Stone, *Policy Paradox: The Art of Political Decision Making, Revised Edition*. WW Norton and Co, 2002. **(Stone)**

John W. Kingdon. *Agendas, Alternatives, and Public Policies*. **(Kingdon)**

R. Douglas Arnold, *The Logic of Congressional Action*. Yale University Press, 1990.
(Arnold)

Reader. A reader with selected book chapters and articles not available through the UCLA library will be available at Westwood Copy, 1001 Gayley Street, at Weyburn. To reduce costs, you will need to copy the reader yourself. Ask for the master at the desk.

Cases. We will use some cases from the Kennedy School Case Program, unless otherwise noted. They can be purchased and downloaded from the KSG Case Program website (make sure you indicate you are in the Academic price category): <http://www.ksgcase.harvard.edu>.

Web. To reduce the cost of the reader, where materials are available on the web or from the UCLA library online resources, they are not included in the reader. If you find something in the reader available on the web or via the library, my apologies and please let me know for next year. If you have trouble downloading, also let me know by email as soon as possible.

Some notes: 1. If you are attempting to access the materials from off-campus, you need to set up your browser to use the BOL Proxy Server. See:
<http://www.bol.ucla.edu/services/proxy>.

yahoo class group and forum

I have created for the class a group on yahoo: <http://groups.yahoo.com/group/hs286>

Membership is restricted to class participants, and I will email invitations to participate to enrolled students one week before class. I will post notices and relevant files to the group, so you should log on and check notices at least weekly.

The group offers class members the opportunity to have a running conversation on topics of interest or concern. These might include discussion of readings, cases or assignments before class. You need to submit your own work but you are encouraged to discuss assignments among yourselves. You are not in competition with one another. I will check the forum at least every other day, unless I let you know otherwise, and I encourage you to make use of the forum as well. The more students who regularly participate, the more useful the forum will be.

The session by session syllabus begins on the next page.

SCHEDULE OF TOPICS AND READING ASSIGNMENTS

Week 1: Introduction and the Issues of Health Policy

Topics: Course outline and expectations, brief discussion of the structure of the US and state governments, content of the policy process.

Monday readings:

Weissert, Introduction, Chapter 6

Stone, Preface, Introduction, Chapter 1-4, 10-13, Conclusion.

Wednesday readings:

Stone, Chapters 5-8

Wednesday discussion will focus on Stone. Initial discussion questions:

- 1) To what extent is Stone's critique of the field of policy analysis and the political science models of the policy process convincing?
- 2) Is her framework a supplement or a replacement for these other frameworks?
- 3) Are Stone's models of goals, mechanisms and bases for argument complete? What, if anything, should be added? dropped? recast differently from Stone's framework?
- 4) Look at the AARP, AEI or Heritage Foundation websites for any health issue. How do these organizations use the mechanisms Stone outlines for argument in support of their policies?

Week 2: Federalism and Constitutionalism

Topics: The two hallmarks of American political organization are federalism and constitutionalism. This session examines what these two concepts mean and how they have shaped American government. In addition to the readings below, a good summary of American Government at the introductory undergraduate political science level is found in the Cliffs Quick Review: American Government.

Monday readings:

Web: Primers on US Government Structure and history:

American National Government: An Overview, Congressional Research Service

(<http://usinfo.state.gov/usa/infousa/politics/files/ang.pdf>)

Web: American Federalism, 1776 to 1997: Significant Events

(<http://usinfo.state.gov/usa/infousa/politics/states/federal.htm>)

Web: US Constitution, with explanations:

(<http://usinfo.state.gov/products/pubs/constitution/constitution.pdf>)

Web: Federalist papers 10, 51

(<http://www.foundingfathers.info/federalistpapers/>)

Web: Tocqueville, *Democracy in America*, Book II, Chapter 5, Of The Use Which The Americans Make Of Public Associations In Civil Life

(<http://wyllie.lib.virginia.edu:8086/perl/toccer-new?id=TocDem2.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=26&division=div2>)

Wednesday reading:

Reader: Ellis, *Founding Brothers*, Chapter 2, The Dinner

Paper due Wed at start of class:

The Federalist Papers discuss a model of constitutionalism in which political factions compete, with their ability to exercise their power and pursue their interests restricted by the institutional framework in which they operate. In *The Dinner*, two of the authors of the papers, with the assistance of Jefferson, cut a political deal in part based on personal relationships. In this case, how important are personal relationships compared to institutional structures, interests and power in influencing policy?

Week 3 Issues and Stakeholders

Topics: Kingdon's framework has been widely used to explain how issues emerge and are addressed in the political environment. We review and analyze this framework in the two classes this week, discussing the framework on Monday and testing it through application on Wednesday.

Monday readings:

Book: Kingdon, All

Book: Weissert, Chapter 3, Interest Groups

Book: Arnold, Chapter 2

Wednesday reading:

KSG Case: 1278.0, Catastrophic Health Insurance for the Elderly

Paper due Wed at start of class:

To what extent can the experience of adopting and then repealing Medicare catastrophic coverage be "explained" using the Kingdon framework?

Week 4: Congress and the Legislative Process

Topics: Congress. Organization, role of committees and rules in the legislative process

Monday readings:

Book: Weissert, Chapter 1, Congress

Book: Arnold, Chapters 1, 3, 4, 5, 6 and 10

Reader: Mark Peterson, "Congress in the 1990s: From Iron Triangles to Policy Networks" in James A. Morone and Gary S. Belkin, editors, *The Politics of Health Care Reform: Lessons from the Past, Prospects for the Future*. Duke University Press, 1994

Web: John W. Hardin, "An Independent Look at Congressional Committee Jurisdiction Surrounding Health Issues," *Journal of Health Politics, Policy and Law* 23(3):517-550. Available via ABI/Inform at:
<http://proquest.umi.com/pqdweb?index=0&did=000000030098390&Src hMode=1&sid=1&Fmt=6&VInst=PROD&VType=PQD&RQT=309 &VName=PQD&TS=1094489973&clientId=1564>

Wednesday reading:

KSG Case: 1278.4, Catastrophic Health Insurance for the Elderly: Appendix

Paper due Wed at start of class:

In the paper written about *The Dinner*, you were asked how important are personal relationships compared to institutional structures, interests and power in influencing policy? Revisit this question with respect to enactment of the Medicare catastrophic program. In this case, how important are personal relationships compared to institutional structures, interests and power in influencing policy?

Be prepared to discuss in class how Arnold and Peterson might analyze the enactment and repeal of Medicare Catastrophic.

Week 5: The President and Presidency

Topics: The President plays many roles in the US political system. He/she is both the national leader and party leader, has formal and customary roles in the legislative process, and is responsible for the management and administration of public programs. This week, we examine these roles with respect to the institutionalized presidency. Next week, we focus on executive agencies and bureaucracy.

Monday readings:

Book: Weissert, Chapter 2, The Presidency

Reader: Pfiffner, *The Modern Presidency*, St. Martin's Press, Chapter 4, The Institutional Presidency, Chapter 5, The Cabinet and Executive Branch, Chapter 6, The President and Congress.

Wednesday reading:

Reader: Marmor, *The Politics of Medicare*, Second Edition, Aldine De Gruyter, 2000, Chapters 2, 3, 4, 5.

Paper due Wed at start of class:

Using the enactment of Medicare as an example, and drawing on the other readings, what makes a President effective in the legislative arena?

Week 6: Executive Agencies

Topics: The government has grown substantially since 1789, and with that growth, cabinet agencies have greater autonomy. Who establishes leadership and organizational

culture for executive agencies: the White House (and governor's office), Cabinet Secretary's office, the bureaucracy?

Monday readings:

Book: Weissert, Chapter 4, Bureaucracy

Reader: Heymann, *The Politics of Public Management*, Chapters 1, 6, 7

Reader: Kenneth R. Mayer and Thomas J. Wecko, "The Institutionalization of Power," in Robert Y. Shapiro, Martha Joynt Kumar and Lawrence R. Jacobs, eds., *Presidential Power: Forging the Presidency for the Twenty-first Century*, 2000.

Wednesday reading:

KSG Case: 1349 Taking on Big Tobacco: David Kessler and the FDA.

Paper due Wed at start of class:

To what extent was Kessler's decision to take on big tobacco a) independent, b) a reflection of the President's implicit agenda, or c) a part of the President's explicit agenda? How were his subsequent interactions on this issue and support from the President influenced by his initial posture? How would Heymann judge the appropriateness of Kessler's actions?

Week 7: State and Local Government and State-Federal Interactions

Topics: States have similar but not identical structures to the Federal government, with substantial variation in the power, size and professionalism of the executive and legislative branches. (We will not consider state courts in this course.) For both constitutional and statutory reasons, the Federal and state governments share jurisdiction over many areas of health policy and are jointly responsible for administration of programs such as Medicaid. We examine some dimensions of state policymaking and the tensions in the Federal-state administration of programs.

Monday readings:

Reader: Richard P. Nathan, "The Role of the States in American Federalism," in Carl E. Van Horn, ed., *The State of the States*, 2nd Edition, CQ Press, 1993.

Reader: Mark Rom, "Health and Welfare in the American States: Politics and Policies," in Virginia Gray and Herbert Jacob, eds., *Politics in the American States: A Comparative Analysis*, 6th Edition, CQ Press, 1996.

Web: Sandra K. Schneider "Governors and Health Care Policy in the American States," *Policy Studies Journal*, 17:4 (1989:Summer) available at:

http://gateway.proquest.com/openurl?ctx_ver=Z39.88-2003&res_dat=xri:pqil:res_ver=0.1&rft_val_fmt=ori:format:pl:ebnf:jarticle&rft_id=xri:pcift:article:h317-1989-017-04-000013&res_id=xri:pcift-us

You can download the full article at this site, rather than looking through it page by page.

Reader: John E. McDonough and Robert McGrath, "State Legislatures and Health Policy in the Market Era," in Robert B. Hackey and David A. Rochefort, eds., *The New State Politics of State Health Policy*, University Press of Kansas, 2001.

Web: Carol S. Weissert and William G. Weissert, "State Legislative Staff Influence in Health Policy Making," *Journal of Health Politics, Policy and Law*, 25:6 (2000), pages 1121-1148. Available via on-line link in UCLA catalog.

Wednesday reading:

KSG Case: 1489 Financing the Expansion of Missouri's Medicaid Program: 1987 – 1992

Reader: Glenn Beamer, *Creative Politics: Taxes and Public Goods in a Federal System*, University of Michigan Press, 1999. Chapter 7, Health Care: Afflicted Budgets

Web: Medicaid: State Financing Schemes Again Drive Up Federal Payments (GAO/T-HEHS-00-193) Available at:
<http://www.gao.gov/archive/2000/he00193t.pdf>

Paper due Wed at start of class:

The interests of states and the Federal government in programs they jointly administer sometimes conflict. How did this conflict get resolved with respect to provider taxes? To what extent was the outcome in favor of the states versus the federal government? What factors and forces contributed to the outcome reached?

Week 8: The Courts

Topics: Courts play several roles in the health system. They adjudicate cases, applying the law; they interpret the law and Constitution, assessing how the law should be applied; and they provide oversight to agency rulemaking. This week examines the role of the courts and an introduction to how courts make and explain decisions.

Monday readings:

Book: Stone, Chapter 14, Rights, Chapter 9, Interests

Reader: Rosenblatt, Rand E. 1994. The Courts and the Reconstruction of American Social Legislation. In *The Politics of Health Care Reform: Lessons from the Past, Prospects for the Future*, edited by J. A. Morone and G. S. Belkin. Durham and London: Duke University Press.

Web: Anderson, G. F. 1992. The courts and health policy: strengths and limitations. *Health Affairs*. 11 (4):95-110. Available at:
<http://content.healthaffairs.org/cgi/reprint/11/4/95>

Wednesday reading: Note: several data bases available through the UCLA library have full text of supreme court decisions, in different formats. HeinOnline presents PDFs of the Supreme Court reporter and is probably the best source.

Web: Griswold v. Connecticut, 381US 479.

Web: Roe v. Wade, 410 US 113.

Web: Planned Parenthood v. Casey, 505 US 833. [Read Syllabus, plus the discussions of *stare decisis* on pages 855-869 and 953-966.]

Web: Chris Whitman, Looking back on Planned Parenthood v. Casey, Michigan Law Review, June 2002, 100(7): 1980-1997. Available at UCLA Library via Lexis-Nexis Academic Universe: Legal Research: Law Reviews

Paper due Wed at start of class:

The purpose of reading these cases is to provide an opportunity to observe how facts, authority, precedent and legal theory enter into how courts explain (if not make) their decisions. Looking at either the opinion and concurrences or the dissents, trace how the right of privacy is first enunciated or questioned in Griswold, in general and in relation to the specific facts and statute under consideration, and then subsequently treated once it is established as precedent in Griswold in arguing the decision.

Week 9: Administrative Law

Topics: Much of government's work is done through the promulgation and interpretation of rules by executive agencies. We examine these processes.

Monday readings:

Web: Eleanor D. Kinney, "Administrative Law and the Public's Health," Journal of Law, Medicine and Ethics, 30(2002):212-223. Available from UCLA Library. Check catalog for on-line sources. May be available at:

http://web2.infotrac-custom.com/pdfserve/get_item/1/S3babddw4_1/SB621_01.pdf

Additional readings to be assigned

Wednesday reading:

Web: Jerry L. Mashaw and David L. Harfst, Regulation and Legal Culture: The Case of Motor Vehicle Safety, 4 *Yale Journal on Regulation* 257 (1986-1987) pages 257-316. Available as full text by searching HeinOnline through the UCLA Library.

Web: Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems, Federal Register vol 69, no 178, pages 55517-55531.

Paper due Wed at start of class

How do Mashaw and Harfst distinguish legal culture explanations from other explanations of regulatory failure? How does this analysis of the roles of the courts in shaping regulation compare with that of Anderson, Rosenblatt, and Kinney? How convincing do you find the Mashaw/Harfst analysis?

For discussion on Wednesday

As you read the regulation and its documentation, questions to think about are:

1. What makes this level of detail and justification necessary? Is it justified?
2. What types of expertise are needed in the agency to determine what should be in a regulation, and to write it and the justification?
3. What kind of leadership would you like the agency to have to adequately assess and guide regulatory decision making in this area?

Week 10: Policy Analysis in the Policy Process

Topics: How expertise is acquired and used by government. Federal analytic agencies and think tanks.

Monday readings:

Reader: Allen Shick, “Informed Legislation: Policy Research Versus Ordinary Knowledge,” in William H. Robinson and Clay H. Wellborn, eds., *Knowledge, Power and the Congress*, Congressional Quarterly, 1991.

Web: Nancy Shulock, “The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much ...” *Journal of Policy Analysis and Management*, 18:2 (1999) p. 286. Available through ABI/Inform at: <http://proquest.umi.com/pqdweb?index=0&did=000000046528481&SearchMode=1&sid=1&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1094525800&clientId=1564>

Reader: Bimber, Bruce A. 1996. *The politics of expertise in Congress : the rise and fall of the Office of Technology Assessment*. Albany, NY: State University of New York Press, Chapters 8, 9.

Web: Andrew Rich, “The Politics of Expertise in Congress and the News Media,” *Social Science Quarterly*, 82:3 (2001) pages 583-601. Available at (click through to PDF from this page): <http://www.blackwell-synergy.com/servlet/useragent?func=synergy&synergyAction=showAbstract&doi=10.1111/0038-4941.00044>

Wednesday: We will discuss the role of analysis in the public policy process and conclude the term with discussion and reflection on your role as policy analysts in the policy process.