

## Editor's Note

Political scientists and policy analysts too rarely focus on the aftermath of legislative activity. What happens during the messy process of implementation? Does the legislation have the intended impact? Does the legislature revisit the issue and change the law in response to postenactment political pressure? There is instead a fascination with the politics of agenda setting and initial enactment. The focus usually is on the variables that opened the window of opportunity to enable the legislative activity, such as the interest group politics, the unexpected crisis, or the institutional politics. Nonetheless, as implementation scholars have long pointed out, the path from legislative enactment to on-the-ground impact is rarely predictable. Who would have predicted, for example, that a pension law enacted in the mid-1970s (the Employee Retirement Income Security Act, or ERISA) would enable self-insured firms to evade state insurance regulation, prohibit persons in employer-sponsored health plans from suing in state court for the wrongful denial of care, and prevent states from requiring employers to provide health insurance to their employees?

The first three articles in this issue of *JHPPL* consider implementation and other postenactment issues from a variety of perspectives. In the lead article, for example, Miriam Laugesen considers federal legislation designed to regulate how much Medicare spends on physician care. The idea of the legislation was to encourage lower costs and more cost-effective care by creating a binding formula that would tie rate increases

(or decreases) to overall program expenditures. The formula was relatively noncontroversial so long as it resulted in steady rate increases, but this changed in 2002 when it began dictating cuts in physician reimbursement. The physician lobby protested vigorously, and since 2003 Congress has voted every year to override the formulaic rate cuts. As Laugesen makes clear, the assumption that a presumably scientific rate-setting formula could immunize Congress from a physician backlash was unrealistic.

Jason Barabas next considers and compares two policies designed to increase individual responsibility for personal finances and health care: individual retirement accounts and health savings accounts. More specifically, how have these private investment programs shaped public opinion on the privatization of Social Security or the virtues of consumer-driven health care? According to Barabas, there is no consistent answer: IRAs increase support for privatization while HSAs decrease support for consumer-driven health care.

The next article, by Karl Kronebusch and colleagues, examines the impact of state efforts in the 1980s to regulate the purported abuses of the managed care industry. The prevailing wisdom is that these laws were largely symbolic and had little impact on either the health plans or the medical community. Kronebusch and colleagues challenge that assumption, relying on physician survey data to suggest that the patient protection laws actually enhanced physician autonomy and improved consumers' ability to access care.

The final article, by Edward Miller and Darrel West, provides a different slant on the implementation issue: the authors here look at the take-up by consumers of new health information technologies. Rather than considering whether an administrative agency is properly implementing a legislative command, the issue here is whether individual consumers are taking advantage of new digital technologies. The not surprising answer is that relatively few people use these digital technologies to get health information or to contact a medical provider. The percentage of low-income persons using these technologies is even smaller. Miller and West conclude that unless policy makers develop new programs to both educate and aid consumers in the use of these technologies, utilization for the foreseeable future will remain low, especially among the poor.

Taken together, these articles make clear the iterative nature of public policy. Issues are not resolved when legislation is enacted or new tech-

nologies are discovered. Programs have unintended impacts. Policy makers cannot expect scientific formulas to resolve political disputes. Policy affects politics. This issue of *JHPPL* provides some old lessons in some new and interesting contexts.

Michael S. Sparer

