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The following article was published in the September 2019 issue of USA Today Magazine, which is a print-only magazine. Thus, the article is not available online. It is reprinted here for your consideration, especially for any American who believes we have a “right” to health care.

## A “Right” to Health Care Is Freedom’s Death Knell

By Dr. Deane Waldman, MD MBA, *USA Today Magazine*

As an American and a physician, my service to a patient is *NOT* the patient’s right.

### Defining the terms

A right can be defined as “a moral or legal entitlement to have or obtain something or to act in a certain way:” People do not have to qualify for the Bill of Rights or do anything to have them. Simply by being an American, there is a right to free speech, assembly, due process, keep and bear arms, and religious freedom.

However, our “rights” are really constraints on federal power. Washington cannot stop you from speaking, take away your firearms, or tell you how to pray. All our so-called rights boil down to personal freedom from federal control. Entitlement refers to a right to have something. You can be entitled to have clean water, clean air, and even a fair wage, as defined by government.

Freedom is a state of being, not a possession. Americans have a right to be free: there is no entitlement to have freedom.

Healthcare as one word refers to a system for the organization, financing and provision of health care. As two words, health care refers to a highly personal, legally protected one-to-one, fiduciary service relationship between a patient and a licensed provider.

### History

The U.S. Declaration of Independence declared thirteen unified colonies free from British control. The Declaration also rejected tyranny by any central authority in any form. Freedom was and is the defining ethos, the over-arching value for Americans.



Before 1930, the U.S. had a free market in healthcare. The buyers, also called patients or consumers, paid for services they received from sellers known as doctors, nurses, therapists, and hospitals. Insurance covered lost wages and payments given to the policy holder after he or she paid the medical bills. Buyers had a good reason to economize as they were paying out of pocket. Sellers had to keep their prices competitive or their patients would go elsewhere. In the early 1930s, health insurance policies became prepayment plans. For a fixed monthly premium, an insurance carrier would pay future medical bills. Thus, a third party was added to the original two parties, buyer and seller.

The third party is Washington for 130 million Americans in Medicare and Medicaid. Insurance companies are the third party for 180 million who have private insurance, mostly employer-supported. Third parties became decision makers, choosing what medical care American buyers

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would get and what American sellers will sell. The absence of a free market in healthcare is why care is less available and prices continue to rise. With increasing federal control of healthcare, Washington politicians promoted the idea that health care is a government-generated, government-supplied entitlement.

### **If health care is a right, then...**

Consider the consequences of a right to health care from three different perspectives: patient, provider, and third-party payer.

When the government takes responsibility for patients' health, people turn over their autonomy to the central authority. By accepting entitlement, Americans give away their freedom.

In the early 19th century Johann Peter Frank wrote a book in the Kaiser's Germany titled, *System Einer Vollstandigen Medicinischen Polizey*, which translates to "A Complete System of Medical Police." Frank reasoned as follows. The productivity of individuals is the key success factor for a nation-state. Productivity requires healthy workers. The state has an obligation to ensure that residents are and stay healthy. Therefore, the state should mandate how people live in day-to-day activities.

According to Frank, pregnant women would be forbidden to wear corsets, because they obstruct the growth of the fetus (no medical evidence for this), and would be required to drink at least one stein (two pints) of beer a day to improve breast milk production. Never mind the harmful effects of alcohol on the developing fetus. Almost every activity people engage in, from eating and exercise to work and personal interactions would be controlled by the government. Frank's ideas were never translated into law.

The lesson from Frank's book is simple. If the health of the populace is the highest priority, personal freedom suffers, there is no personal responsibility, and individual autonomy disappears.

A right to health care turns providers in to slaves. This is not hyperbole: it is inescapable logic. When you have a right to free speech, you can say what you want where you want for as long as you want, for no charge. If you have a right to health care, you can demand from the provider what care you want, when and where you want it, pay nothing, and the provider cannot refuse. Even an indentured servant gets paid. If health care—a provider's work product—is a patient's right, providers lose their right to be free. Providers become slaves, either of the patients or the federal government.

When Washington politicians proclaim that health care is the people's right, they are writing a check they cannot cash. Neither federal politicians nor their bureaucrats can practice medicine on you. Is Nancy Pelosi going to diagnose your chest pain? Is Mitch McConnell going to take out your gall bladder? The only people who can actually provide the care that patients need are the professionals: doctors, nurses, and therapists.

To implement health care as a right, Washington will either have to nationalize the healthcare system, draft all the providers; and put them under military-style control; or return our country to legalized slavery, this time the slaves are health care providers. When health care is a right, providers lose their rights to life, liberty, and pursuit of happiness.

### **Conclusion**

Health care (two words) is fiduciary service contract. A licensed professional agrees to care for the patient in exchange for compensation by the patient or the patient's designee. Health care is not a privilege; it is not a commodity and most definitely, health care is not a right, not in the United States of America.

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