

TOPICAL SEMINAR - May 5, 2017

TOPIC – Is health care a right or a privilege?

For this session, David White and Aram Terzian each prepared a paper taking one of the positions on the issue of health care. To be clear, each was assigned to the perspective they were to write. No assumptions should be made about their actual views. Please read this document and supplement it with other materials you want to bring to the discussion. We hope to focus on deconstructing each of the two papers and to add in others brought by the seminar members.

Individual Health Care is Important to the Function of the State  
Thus,  
Individual Health Care is a Right  
By David White

*What do we mean by “right?”*

The definition of “rights” given in Wikipedia (<https://en.m.wikipedia.org/wiki/Rights>) starts thus:

***Rights** are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory.*

As “entitlements,” rights are conferred upon the individual by an entity outside of himself or herself. Wikipedia defines “entitlement” as such:

*An **entitlement** is a provision made in accordance with a legal framework of a society. Typically, entitlements are based on concepts of principle (“rights”) which are themselves based in concepts of social equality or enfranchisement. Entitlement can also be informally to do with social relationships, social conventions and social norms.*

<https://en.m.wikipedia.org/wiki/Entitlement>

A right is conferred upon the individual by the state. And, as such, the state takes upon itself the burden of ensuring individual rights within the scope of its governmental agencies.

For the purposes of this seminar, I will be asserting that individual health care is a right and, thus, an entitlement which must be addressed by the state.

*What is the “state”?*

In using the word “state,” I am referring to the organizational system of governance created and maintained to serve the needs of the populace.

*What is the “function of the state”?*

The function of the state is to provide for the common good of the individual members of the state by pooling resources of materials and labor to accomplish tasks beyond the abilities of the individual. Therein, the individual enjoys benefits from and accepts responsibility for the efficient running of the state.

As an example, the function of the United States is outlined in the preamble to the United States Constitution:

*We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*

This is the mission statement of the document that follows which forms the basis of the governing principles of the American society as a whole, outlined in the remainder of the Constitution, and from which the perpetual system of governance, known as the “government,” is to function. This statement burdens the government of the state with six charges. The government exists to:

1. Form a more perfect Union
2. Establish Justice
3. Insure domestic Tranquility
4. Provide for the common defence
5. Promote the general Welfare
6. Secure the Blessings of Liberty to ourselves and our Posterity

We may, then, expect the state, as an entity, to work toward these goals through the actions of its government. To do so, we then need to identify the various roles and responsibilities of the citizenry of the state. Under this Constitution, the government of the state exists as a governing entity only to serve the membership, derives its authority from the membership (citizenry) and, in fact, may be defined only in its relationship to the membership.

Often, I have encountered a lot of confusion about the government of the United States itself. It seems that, at times, we visualize the government as an abstract entity, a being, if you will, separate from the populace. But without the populace, without the need for the six purposes outlined in the preamble to the Constitution, the government has no function and, thus, loses all authority and ceases to exist as an entity.

The “government” of the United States is that system put into place to carry out the goals of the state itself. It is the apparatus tasked with the development of laws of governance and with the systems to enforce these laws amongst the populace.

This is true, also, under other forms of government. Regardless of the particular organizational structure of governance, polity, by definition exists, in part, to shepherd resources for the good of each member. (*A **polity** is any kind of political entity. It is a group of people who are collectively united by a self-reflected cohesive force such as identity, who have a capacity to mobilise resources, and are organised by some form of institutionalised hierarchy-* from Wikipedia, <https://en.m.wikipedia.org/wiki/Polity>)

And, among these resources are the individuals that make up the polity.

### **The Individual as a Resource in a Polity**

Resources are those assets available to an entity (individual or a collective) to draw upon in the interest of achieving the goals of the entity. In the case of a polity, the individual members of the

polity not only benefit from but are vital resources to the realization of the goals of the polity itself. For example, a nation might well be rich in natural resources, representing significant potential value. But it is up to the citizenry to harvest and manipulate these resources that they, the citizenry, may realize and exploit this value. The productivity of the harvesters combined with the creativity and skill of craftsmen turn the potential value of these resources into consumable and/or tradable commodities used to meet the needs of the populace and/or to trade with other individuals and states to attain yet more resources.

Members of the citizenry are resources in other ways as well. Law enforcement and military personnel are essential to maintaining a society relatively safe from threat. Educators are essential to maintaining the level of intellectual sophistication necessary to enable the state to thrive. Visionary understanding is vital to evaluating success and planning for the needs of future generations when faced with opportunity and/or challenges. Leadership is important for addressing the immediate needs of the community. Scientific curiosity is vital for understanding the environment and for technological advancement. Artistic talent and skill is vital to the general welfare.

So, in an intriguing way, the individual is both a resource for and a benefactor of the success of the state.

### **Individual Health is Vital to Individual Productivity Which is a Vital Resource of the State**

It follows, then, that individual productivity is important to the success of the state in meeting its goals of service to the polity. As the individual succeeds in her or his endeavors, the well-being of the entire polity is enhanced. And this success is cumulative both in its impact on the specific area of expertise and on other areas as well. Advances in technology often have consequences far beyond the initial challenge targeted by the invention. And this is true in all areas of human creativity as well. New ideas in self-expression may lead to changes in cultural taste- which, in turn, lead to new techniques and/or industries to meet the needs of these changes. New educational ideas may lead to new ways of thinking about challenges in leadership- which, in turn, lead to new ideas of efficient governance. And so on and on.

These advances all embellish the development of the state. And, these advances require high-level functioning of the individual. Thus, it is in the interest of the state to attend to the variables that impact the high-level functioning of the individual.

There are a number of variables that impact individual productivity. Some of these are out of the state's sphere of influence- innate talent of the individual or natural catastrophe, for example. Many of these variables, though, may be influenced by the intervention of the state's resources. Among these are educational level, domestic and international market forces, economic and social motivational strategies, public safety and, equally so, individual longevity and health.

The following is excerpted from a report by the Harvard School of Public Health in 2012 (<https://www.hsph.harvard.edu/news/magazine/public-health-economy-election/>):

*First, a healthier workforce is a more productive workforce. According to an April 2012 report from the Institute of Medicine (IOM), the indirect costs associated with preventable chronic diseases- costs related to worker productivity as well as the resulting fiscal drag on the nation's economic output- may exceed \$1 trillion per year. A 2007 study from the Milken Institute found that when unhealthy workers show up on the job, as many must to survive financially, the effects of their lower productivity on the nation's economic health are immense: in dollar value, several times greater than the business losses accrued when employees take actual sick days. Avoidable illness also diverts the economic productivity of parents and other caregivers.*

*Second, the costs of health care are built into the price of every American-built product and service. And the per capita cost of health care in the U.S. is higher than in any nation in the world. If the U.S. can reduce the costs of health care over the long term- by preventing diseases that require costly medical procedures to treat and by making our existing health systems more efficient- the costs of American products can become more competitive in a global marketplace.*

A healthy workforce, then, is essential to the good of the polity. And a healthy workforce requires healthy individual workers.

It is the obligation of the state to work toward the stated goal of its governing documents. As such, it is incumbent on the state, whenever possible, to intervene in social processes to give its citizenry the opportunity to most effectively utilize the resources available to it. Individual health care, then, must be provided for by the state.

Given that it is a compelling state interest that the individual be provided health care, then individual health care is, by definition, a right and an entitlement.

### **Other Arguments for Establishing Health Care as a Fundamental Right**

In preparing for this seminar, I started by doing research in the legal realm to see what other work had been done. Legal approaches to defining health care as a fundamental human right have not been successful, generally. Ethical approaches, based on humanitarian principles, fall short, in my opinion, as they depend on shared ethics across cultural and political differences- a perilous situation on which to depend, at best. I will include three articles whose topics are routinely cited in arguments offered in support of universal health care, mostly for the reader's edification. These are:

*The United Nations believes that universal health care is a fundamental human right:*  
The United Nations Universal Declaration of Human Rights (Article 25 is most relevant)  
-Attachment A-

*The World Health Organization recognizes that universal health care is an issue countries are grappling with:*  
World Health Organization WHA Resolution 58.33  
-Attachment B-

*Many developed nations provide for universal health care in their societies:*

## **Attachment A**

### **Universal Declaration of Human Rights**

#### **Preamble**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### **Article I**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### Article 3

Everyone has the right to life, liberty and security of person.

#### Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 6

Everyone has the right to recognition everywhere as a person before the law.

#### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

#### Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

#### Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

#### Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

#### Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

#### Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others

and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

#### Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

#### Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

#### Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

**Attachment B**  
**World Health Organization**  
**World Health Assembly Resolution 58.33**  
**2005**

#### RESOLUTIONS AND DECISIONS 139

WHA58.33 Sustainable health financing, universal coverage and social health insurance

The Fifty-eighth World Health Assembly,

Having considered the report on social health insurance;

Noting that health-financing systems in many countries need to be further developed in order to guarantee access to necessary services while providing protection against financial risk;

Accepting that, irrespective of the source of financing for the health system selected, prepayment and pooling of resources and risks are basic principles in financial-risk protection;

Considering that the choice of a health-financing system should be made within the particular context of each country;

Acknowledging that a number of Member States are pursuing health-financing reforms that may involve a mix of public and private approaches, including the introduction of social health insurance;

Noting that some countries have recently been recipients of large inflows of external funding for health;

Recognizing the important role of State legislative and executive bodies in further reform of health-financing systems with a view to achieving universal coverage,

1. URGES Member States:

- (1) to ensure that health-financing systems include a method for prepayment of financial contributions for health care, with a view to sharing risk among the population and avoiding catastrophic health-care expenditure and impoverishment of individuals as a result of seeking care;
- (2) to ensure adequate and equitable distribution of good-quality health care infrastructures and human resources for health so that the insurees will receive equitable and good-quality health services according to the benefits package;
- (3) to ensure that external funds for specific health programmes or activities are managed and organized in a way that contributes to the development of sustainable financing mechanisms for the health system as a whole;
- (4) to plan the transition to universal coverage of their citizens so as to contribute to meeting the needs of the population for health care and improving its quality, to reducing poverty, to attaining internationally agreed development goals, including those contained in the United Nations Millennium Declaration, and to achieving health for all;
- (5) to recognize that, when managing the transition to universal coverage, each option will need to be developed within the particular macroeconomic, sociocultural and political context of each country;

- (6) to take advantage, where appropriate, of opportunities that exist for collaboration between public and private providers and health-financing organizations, under strong overall government stewardship;
- (7) to share experiences on different methods of health financing, including the development of social health-insurance schemes, and private, public, and mixed schemes, with particular reference to the institutional mechanisms that are established to address the principal functions of the health-financing system;

1. REQUESTS the Director-General:

(1) to provide, in response to requests from Member States, technical support for strengthening capacities and expertise in the development of health-financing systems, particularly prepayment schemes, including social health insurance, with a view to achieving the goal of universal coverage and taking account of the special needs of small island countries and other countries with small populations;  
and to collaborate with Member States in the process of social dialogue on health-financing options;

(2) to provide Member States, in coordination with the World Bank and other relevant partners, with technical information on the potential impact of inflows of external funds for health on macroeconomic stability;

(3) to create sustainable and continuing mechanisms, including regular international conferences, subject to availability of resources, in order to facilitate the continuous sharing of experiences and lessons learnt on social health insurance;

(4) to provide technical support in identifying data and methodologies better to measure and analyse the benefits and cost of different practices in health financing, covering collection of revenues, pooling, and provision or purchasing of services, and taking account of economic and sociocultural differences;

(5) to provide support to Member States, as appropriate, for developing and applying tools and methods to evaluate the impact on health services of changes in health-financing systems as they move towards universal coverage;

(6) to report to the Fifty-ninth World Health Assembly, through the Executive Board, on the implementation of this resolution, including on outstanding issues raised by Member States during the Fifty-eighth World Health Assembly.

(Ninth plenary meeting, 25 May 2005 – Committee A, eighth report)

## Health Care as a Privilege

By Aram Terzian

I have chosen to take up the argument that access to health care is a privilege available to those who are willing to pay for it or who are in occupations that provide the care as a benefit. While there is a strong argument to be made that access to adequate health care will promote the general welfare, the US Constitution does not support the claim that it is to be provided to all. Some would argue that the words in the Declaration of Independence “...they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness”<sup>1</sup> can be interpreted to mean that government has a role to play in assuring happiness by providing health care to all. However, the pursuit of happiness (not hedonistic pursuits) is the individual’s journey to find, and is defined individually. In fact, there is a strong argument to be made that any one system of health care will surely not lead to happiness for all individuals, as there will be winners and losers, as I will discuss in this essay.

Can we afford universal health care and who will pay for it? - To get a better understanding of the cost of health care in the United States, it is instructive to look at the numbers. In 2015, the health care spending in the US amounted to over 3.2 trillion dollars. The breakdown in the major costs are in the table<sup>2</sup> below:

Hospital Care (32 percent share)
Physician and Clinical Services (20 percent share)
Prescription Drugs (10 percent share)
Nursing Care Facilities and Continuing Care Retirement Communities (5 percent share)
Other Health, Residential, and Personal Care Services (5 percent share)
Dental Services (4 percent share)
Home Health Care (3 percent share)
Other Medical Products (4 percent of share)
Other Professional Services (3 percent share)

In 2015, the federal government accounted for the largest share of health care spending (29 percent), followed by households (28 percent), private businesses (20 percent), and state and local governments (17 percent). The overall share of the U.S. economy devoted to health care spending was 17.8 percent in 2015. The per individual spending for health care was \$9990.

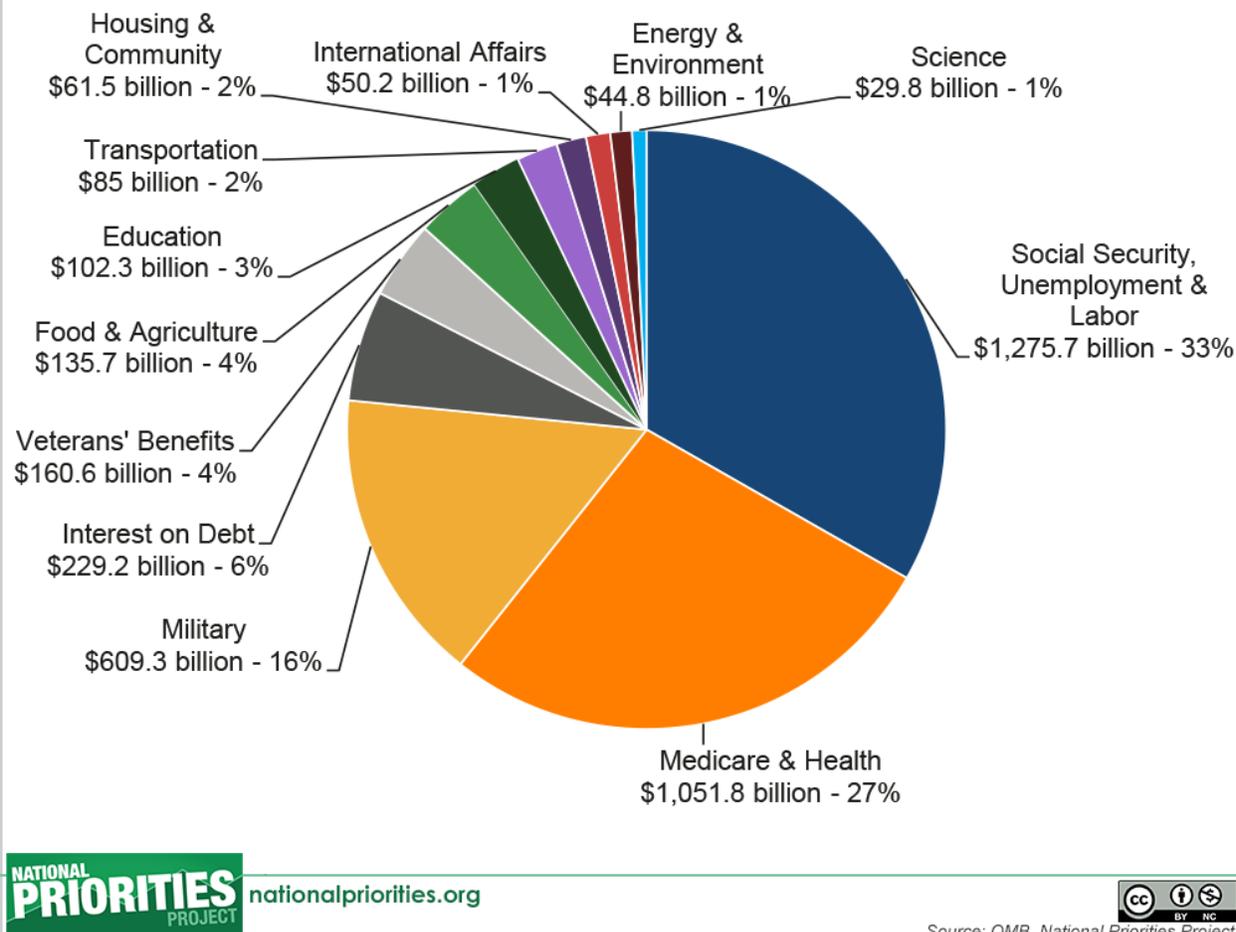
If health care is a right for all persons, then the funding to support this must come from additional taxes to offset costs presently being paid for non-government and individual sources. If you look at the graph below, you will see overall US expenditures for 2015

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<sup>1</sup> <http://www.civiced.org/resources/curriculum/911-and-the-constitution/terms-to-know>

<sup>2</sup> <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/highlights.pdf>

## Total Federal Spending 2015: \$3.8 Trillion



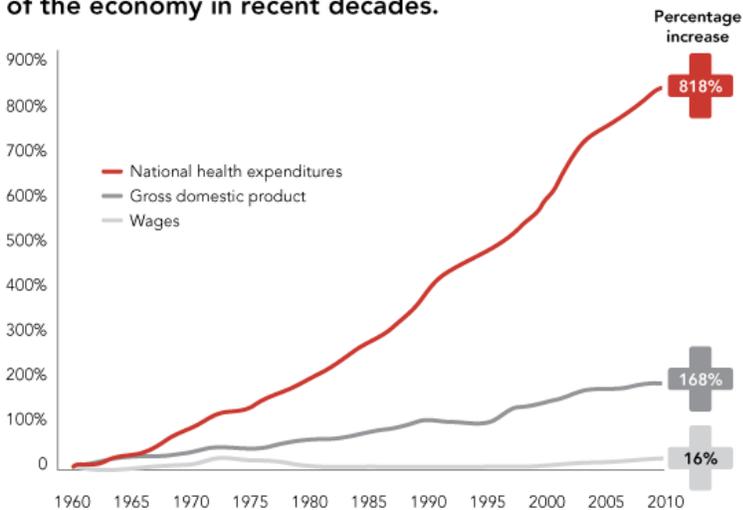
If the federal government is faced with paying for all healthcare costs, there will need to be a major increase in taxes to support it. I have to ask from where will this money will come? Experience teaches us that Americans are not interested in paying for benefits through taxation. Social Security is a good example. As the population is trending towards a larger percentage of retired persons as compared to working age taxpayers, there will be an increasing burden on those wage earners. However, none of the solutions to Social Security Trust Fund future solvency that involves increased taxes will be acceptable to legislative decision-makers. In fact, most tax policy today relies on pushing the burden to the next generation. Our national debt is over 19 trillion dollars and for this year are running a deficit of almost 600 billion.<sup>3</sup>

<sup>3</sup> <http://www.usdebtclock.org/>

The Affordable Care Act has added roughly 20 million persons to the rolls of the insured, but is adding to an already unsustainable national debt. The National Budget office summarized this issue in the following statement: “Large and growing federal debt over the coming decades would hurt the economy and constrain future budget policy. The amount of debt that is projected under the extended baseline would reduce national saving and income in the long term; increase the government’s interest costs, putting more pressure on the rest of the budget; limit lawmakers’ ability to respond to unforeseen events; and increase the likelihood of a fiscal crisis, an occurrence in which investors become unwilling to finance a government’s borrowing unless they are compensated with very high interest rates.”<sup>4</sup>

Another related issue to the expense of health care is the rapidly rising costs and what would have to be done to curtail them. If you look at the chart below, there has been a steady increase in the cost of health care since 1960. There are things that can be done to control costs, but they all require political struggles such as controlling the cost of medications, or limiting access to health care. This would require a political will not demonstrated by our legislators in D.C..

**Health care spending has grown much faster than the rest of the economy in recent decades.**



Sources: McKinsey, “Accounting for the Cost of U.S. Health Care” (2011), Center for American Progress

THE HUFFINGTON POST

It seems clear that unless we are willing to raise taxes to support a healthcare-for-all mandate, healthcare as a mandate is an empty promise.

What about a market solution to entitled healthcare?

<sup>4</sup> <https://www.cbo.gov/publication/52480>

I searched for other visions of making health care available for larger numbers of persons and found one from Libertarians.

**“Libertarians believe that healthcare prices would decrease and quality and availability of healthcare would increase if providers were freed from government meddling and control.**

Virtually every person wants access to quality healthcare at an affordable price. Libertarians think the best way to achieve this is by removing government interference and enabling free markets.

Government inappropriately controls our healthcare in many ways:

- Government and a handful of insurance companies have a virtual monopoly as payers. Because of this, they make most of the decisions about what kinds of healthcare are available.
- Government regulates where, when, and who may open new healthcare facilities.
- Government agencies greatly slow development of and access to new medicines, devices, and technologies that may improve quality of care and reduce cost of care.

Currently, the healthcare industry is virtually monopolized by the government and a handful of insurance companies. They hold the checkbook and wield it for their own benefit.

Each year, the government sets prices that they will pay providers including doctors and hospitals. Each year, these payments increase at less than the cost of inflation, while the cost of providing medical care increases by a far greater amount. This has unpleasant consequences for everyone. Providers are incentivized to do what is quick and cheap, not what is in the best interest of a particular patient. Doctors are forced to reduce the time they spend with patients, and this reduces quality of care. Hospitals are discouraged from upgrading facilities, and this reduces quality of care. Worse yet, insurance companies often set their payments according to the government's prices. This regular ratcheting down on payments to providers, while actual costs to provide care increases, makes providers less able to provide high quality healthcare.

Government also regulates where medical facilities can be built, who can build them, and when. The process for applying for permission to build facilities is very costly and very slow, thus it favors the biggest corporations and prevents smaller organizations from opening new facilities that could serve patients. This greatly limits patients' access to medical care and increases costs compared to a system where government permission was not required.

Institutions such as the Food and Drug Administration also limit cost-effective access to quality care. The approval processes for new drugs and technology is lengthy and expensive. Because of this, the process favors the biggest companies with the most

lawyers. There are many stories of patients dying while waiting for approval of a new device or medicine. Instead, Libertarians call for free-market testing which will be inherently incentivized to be efficient and fair in their processes. Additionally, Libertarians believe in the “Right to Try”, especially in situations with a terminal diagnosis. The government must not be permitted to deny patients access to new medical advances.

Tort reform would also greatly reduce the cost of health care. The current tort system raises the cost of care by encouraging unnecessary testing and procedures which increase the cost of medical care by forcing medical teams to devote significant time and resources to preventing or defending against unwarranted legal actions. When legitimate claims arise, they should be taken seriously and resolved fairly through the courts. However, frivolous and fraudulent claims should not be tolerated, as our current system does. These disparage our healthcare providers and the quality of medical care they can provide and that we can receive. Libertarians oppose fraud in all forms.

In short, Libertarians believe that each person has the right to make their own medical decisions. Libertarians support removing government meddling from healthcare. We think this and tort reform are the best ways to improve quality of healthcare, increase access to healthcare, and decrease prices of healthcare in our country.”<sup>5</sup>

The Libertarian perspective, and one shared by many in Congress, is to let the marketplace set the prices through competition and the reduction of regulations that limit competition among potential service providers.

Another approach to eliminating unneeded regulations is to allow other health care providers expand services within the limits of their competencies. For example, many health care services could be provided by Nurse Practitioners if regulations were revised to allow this. They could provide excellent services at lower cost, along with more patient-friendly care.

There are many other practices that could help reduce the cost of health care and to increase access. However, there is a need to define what we mean by healthcare by outlining the basic services that must be included, so individuals are not deceived into purchasing insurance that is inadequate. Such plans must assure that all persons have access at competitive prices. Costs could be contained by having “add-ons” to basic plans for specialized needs such as contraception and male performance enhancement drugs.

#### Is there a role for Government?

It is clear that a number of citizens would not be able to access the health care system without assistance from government. Within the constraints of government budgets, programs such as

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<sup>5</sup> <https://www.lp.org/issues/healthcare/>

Medicaid and child health programs such as CHIP can play an important role. Tax incentives can help those in the lower economic tiers be able to afford a free market health care system. The mandate that Hospital Emergency rooms not turn away the needy is essential. Finally, the role of private charity to help those in need continues to be important.

How will my rights as an insured person be affected if government has a mandate to assure all has healthcare?

What are the stakes for the many millions of citizens who presently have and are satisfied with their health care? When I went into the workforce I based my employment partially on the available of health insurance. At my place of employment, we organized a union to assure we negotiated for adequate health care. I paid my union dues, participated in collective actions when these benefits were threatened and even lost income during strikes. The benefits we obtained were earned by collective efforts, not entitlements. If healthcare becomes an entitlement, then there is a big question about what I am losing to accommodate those without care. It is a very big uncertainty that must be addressed or I would not be willing to pay the taxes needed to support it.

I am very satisfied with the health care I have been getting over the years. I am hearing much about limits on who gets care and the speed of access. Given the cost of healthcare and our inability to restrict those costs, I am very concerned that there will be limits on medical services, how this will be determined, and how long will be the wait.

Will there be any health care user responsibilities or will all get equal access despite individual personal health related behaviors.

When people are given an entitlement it usually means that they obtain that entitlement regardless of personal behavior. However, the cost of healthcare is very affected by the health behaviors of individuals. People who are morbidly obese, those who smoke and/or engaged in other addictive behaviors, those participating in dangerous activities such as driving a motorcycle without a helmet, are some examples of activities that increase the cost of health care for all of us. If people who engage in such behaviors are equally entitled to healthcare without paying a penalty for engaging in such activities, I feel I am paying for their indulgences.

It is also worth mentioning that a culture of personal responsibility is missing in the United States. The emphasis is on individualism rather than collectivism. Given our culture, it is hard to imagine we would obtain the cooperation of the citizenry to value and participate in good public health practices; this being a very important companion to an entitled healthcare system.

### Conclusion

Providing healthcare as an entitlement seems to be out of reach for the United States because of its costs, an unwillingness of taxpayers to pay for it, the lack of faith in government to manage such care, the benefit losses millions of medically insured persons fear will occur if they switch, and the lack of cultural norms in an individualist focused society. We are better served to strengthen what we have by bringing more people into the health care system and by finding ways to reduce cost