



## **e.Forum Posit**

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**Posit: "If health care is a 'right,' like life, liberty, and the pursuit of happiness, it follows inevitably that a free and competitive market - or unregulated profit - is inconsistent with that right."**

SUMMARY: SOME READERS OBJECTED that the e-posit could be viewed two ways, so that to agree was to disagree; there is some merit to that position. The statement could have been better. Even so, there were diverse, and cogent, comments, so voluminous that we are forced to edit significantly. Unedited comments can be viewed at [ssvms.org](http://ssvms.org).

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"The US can not afford 16% of the GNP to have inferior and inequitable care."  
- **Thomas March, MD**

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"Any RIGHT must be earned, planned, and protected. Anything earned is appreciated and valued. Competition improves the product. Reward increases the endeavor to produce the product." - **Bryant Sheehy, MD**

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"The basics of health care should be available to all citizens of the state. It is an implied contract between the citizen and the state that they care for one another. It is imperative upon the state to maintain the well-being of its citizens as its very existence is dependent on them. Competition in the provision of health care is not untenable in this light. Private medical attention can be bought and paid for by those who care for it. This should not interfere with everyone having health care available to them." - **Jose Ma C. Leuterio, MD**

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"It isn't the 'free market' that's the problem. That would be fine on the level of the community physician. It's the corporate predatory free market, which allows corporate clout, backroom political shenanigans, and high priced propaganda to distort the reality of healthcare needs in the name of profits." - **John McCarthy, MD**

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"This sounds like jubberish. If you want an opinion, do not speak in cliché, or trite phrases, ask what you want to know." - **Gerald Upcraft, MD**

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"Basically, the government is only obliged to protect its citizens against public health risks (epidemics, floods, enemy attacks). Other than those serving in the military, those in prisons, and those at the extremes of life without any relatives to care for them, few others have any entitlement, or "right" to free healthcare. Everyone else has an obligation to pay a "reasonable price" for their health, one way or another. Those unable to pay, by tradition, have been cared for by religious and other organizations that embraced charity. In manning the charity hospitals, the government can demand that all new physicians must serve for a few years at a state salary before they break out into private medicine. Congress made a big mistake when Medicare was born by mandating upscale benefits, like a semi-private room-- no more wards. Its over-regulation has produced massive administrative costs, all of which drain money away from the actual health delivery. Rather than a right to health care, the citizens have a right to expect the government to keep insurance rates affordable but, if no low cost insurance is available, then the government should provide a "bare-bones" policy at charity hospitals. This will resurrect a two-level system of care, but at least everyone will receive some basic care." - **Jim Rybka, MD**

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"I am in favor of a competitive market though I do not favor unregulated profit. My

concern is who is responsible for "regulating profit". If physician professional organizations are responsible for "regulating profit", I would certainly prefer this than having the government acting as the regulator. I am concerned that the physician professional organizations cannot be relied upon to regulate profit in a responsible fashion. Unfortunately, I am unaware of investigations carried out by responsible institutions, having no physician or government connection, which address the question of assessing physicians' ability to regulate profit based on factors such as certification, Continuing Medical Education, practice standard, etc." - **Scotte Doggett, MD**

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"A free and competitive market to deliver health services provides no incentive for guaranteeing that there will be comprehensive care delivered at a basic level for all. Ensuring everyone a certain level of care requires more of a socialized approach (ahem, Canada). On the other hand, a free market provides very strong incentive for pharmaceutical companies to constantly strive to produce the next best drug, and for practitioners to strive to improve procedures that will not necessarily be practical or affordable for everyone. This topic is understandably a great point for debate."

- **Abigail Kopecke, MD**

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"Like most posits, this one is both controversial and overbroad in its description. In the Sacramento area, where managed health care represents 80-85% of those enrolled in health care plans, the fees paid to the health care provider is controlled by the terms of the contract. Whether or not the provider is able to gain a net profit is determined by multiple factors to include office overhead, malpractice premiums, practice demographics, retirement plan contributions and continuing medical education expenses. What is remaining represents "profit" or the salary we are able to pay ourselves. Physicians tend not to be the best business men and enter into bad contracts or spend excessively, hoping that reimbursement will improve. The majority of middle and upper level management individuals at the major health plans earn more than the average primary care physician. The burden of administrative costs are a factor effecting adequate reimbursement to all providers.

I live in Italy six months of the year and volunteer at a local clinic. I am impressed with the level of care provided, including diagnostics studies and the availability of specialty consultants, both for outpatient and inpatient care.. As a permanent resident I also am eligible for health care and receive this benefit at no cost to me. All Italian citizens and permanent residents receive this benefit. Italy spends 9 percent of its GNP on health care and all 60 million of its citizens/permanent residents are covered. These numbers are also applicable to France, Germany, Switzerland and the Benelux countries. The United States spends 14 of its GNP on health care and we have 46 million Americans who have no health care coverage. The difference that I see is that there is no concept of "profit" among the health care providers in Italy, who earn good incomes.

If health care is a "right" then we as a nation are doing something "wrong" in our ability to provide care to our citizens. It would appear that the time is ripe for National Health Care, which appears to be a major platform issue for the Democratic Party. I do not have all the data, but would suspect that the cumulative salaries paid to support the multiple layers of administrative costs of the nations health plans would be more than adequate to operate a National Health Plan. I am aware of the studies citing successes in some of the provinces of Canada, however I am concerned that without some type of change the 46 million Americans without health care coverage will never "profit" from the current status quo."

- **Michael Klein, MD**

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"I can't even believe that there is a question whether there should be a free market. Health care is not a "right," it is a good that people purchase and make personal choices on where to get it and where to forego." - **James Siy, MD**

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"In order to address disparities in health related outcomes, health care must be available and accessible, both financially and geographically, to ALL those who live and work in California." - **Caroline Peck, MD**

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"I believe that life, liberty, and the pursuit of happiness and health are rights. And that along with rights come some responsibilities; some individual and some societal. Pursuit of health and care of illness, medical conditions and disability are both societal and individual responsibilities." - **W. Hudson, MD**

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"Healthcare is NOT a right, like those referenced in the US constitution. Like education, healthcare is a resource for which a wise society will ensure that its citizens have basic access. However, as medical interventions become more sophisticated (and expensive) there must be a rationing of services in order to control costs and the more sophisticated interventions should be provided to those who make secure the economic resources to pay for them. This is an important incentive for individuals to participate in purchasing healthcare insurance. In order to ensure a high level of insured individuals, a single payer national healthcare insurance should be established to cover catastrophic care."

- **Adam Quest, MD**

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"Non-free and non-competitive systems can not deliver services. This seems to be a lesson we must relearn and relearn. It is like living through a health policy 'Ground Hogs Day'."

- **David Gibson, MD**

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"Whether or not we choose to define it as a "right", is it a service that we believe in and want to provide for our citizens? Would our society be safer, healthier and more prosperous if we decided to find a mechanism to ensure that our population has access to a reasonable level of basic health care, and eliminate this as a major source (the largest source) of personal bankruptcies? We have already essentially made that choice for our seniors - Medicare. It does not eliminate the private competitive market, witness all the Medicare supplement policies/HMO's, but that is really not the essential point. For people over 65, it guarantees a foot in the door - access to at least some basic health care without having to go through the most overburdened and dysfunctional part of our dysfunctional "system", the Emergency Room. Every other developed nation has made this decision, but the wealthiest nation on earth - in the history of the earth - has not. I don't know what we are waiting for." - **Francisco Prieto, MD**

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"Agree. I would add that in my view basic health care is a right and should be paid for with a garnish on every dollar earned by any U.S. worker anytime anywhere. Top drawer health care like any commodity is a luxury that not all can expect to have but must pay for."

- **David Harrison, MD**

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"I don't know if it is a "right", but it is something that an advanced society should assure its members. What would our society be like if Police, Firefighters, and Military were setup as competitive for profit businesses?" - **Felix Battisella, MD**

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"Who says it's a right? But, following such thinking, who is required to grant that 'right'? How about hot and cold running water? Is there ANYTHING we should take care of for ourselves? Should we prepare for rainy days, buy insurance, save for college, avoid driving while drinking or is it the government's responsibility to grant us cradle-to-grave 'rights'? To the contrary, I TAKE CARE OF THE GOVERNMENT by paying taxes aplenty. IT depends on ME; it has a 'right', encoded in law and culture, to be supported by ME! Hey, you guys; have we lost our way?" - **William Cushard, MD**

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"The public will never get good health insurance coverage from a "for-profit health insurance company". That should be the first thing to go." - **E. T. Rulison, MD**

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"A right to health care is implied in the "right to life", because one may need health care in order to continue one's life. Similarly, a right to education is implied in the "right to...the pursuit of happiness," as it is hard to be happy if one cannot constructively contribute to the economy and the society. For mysterious historical reasons, there is widespread acceptance of tax-supported education for everyone (at least through secondary school), but not for tax-supported health care for everyone." - **Patrick Romano, MD**

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"Consistent with such a "Right" is that health-related goods and services must be available to everyone at no cost. Those goods and services must therefore be provided by unpaid slaves, or otherwise paid for by resources confiscated from innocent victims.

We have observed (failed or failing) political systems built upon similar "principles." Many people claim that communism, socialism, or collectivism by any name, has just not been afforded a fair trial; and that we must continue to employ it in some fashion. I have yet to learn from those "progressives" or "centrists" what dose of socialist poison is most beneficial to an otherwise free society. Can anyone offer an explanation?

An analysis of the world's nations demonstrates that those with the greatest amount of individual and economic freedom -- entirely consistent with unfettered free markets and capitalism -- are the most prosperous. A narrative description of those findings is at [www.freedomworks.org/informed/issues\\_template.php?issue\\_id=2706](http://www.freedomworks.org/informed/issues_template.php?issue_id=2706) -- "Who is the freest of all? - A look at the 2006 annual Economic Report of the World," by Richard W. Rahn." - **Lee Welter, MD**

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"I disagree, I don't see how it "follows inevitably that a free and competitive market is inconsistent with that right." - **Jose Cueto, MD**

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"In every competitive area, there are winners and losers. In health care, the winners are the drug companies whose profits are many times greater than comparable corporations in other industries and the extremely highly compensated officers of insurance companies. Our biggest losers are the 50,000,000 uninsured in our country. Our other losers are our domestic companies that can't compete with foreign companies having lower health costs. Inevitably, employers will lower wages as they try to keep up with soaring health care premiums. Then, all but a few of us will be free to be losers." - **Gil Simon, MD**

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"None of our other rights, such as Life, Liberty, Pursuit of Happiness, Right to Bear Arms, require the Government to provide this service. All of our other rights require that the Government leave us alone. This is where the "right" to healthcare, provided at Government expense, becomes problematic. Maybe the Government should also pass out arms with unlimited access to munitions." - **William Lewis, MD**

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"A 'right' is an agreed upon entitlement of living in a particular society that has meaning for more than the personal gain of any one individual or small group of individuals. A free and competitive market for the delivery of a "right" such as access to health care has risks and benefits. If a free and competitive market includes third parties unrelated to actual delivery and receipt of health care as we currently have in the U.S., then I can't agree with it at all. Having the competition focussed on overall costs and profit as it seems to be at present, rather than quality and access seems to bypass and be unrelated to the concept of a right to health care. I don't like the idea of physician income being regulated by the government or insurance companies but on the other hand, in today's economic climate and with today's physician's use of ads that include more than just type of practice and qualifications, I'm not sure that we as a profession can manage physician costs to patients very well. In addition, there are all the costs, necessary or inflated by profit motive, of medications, medical equipment and facilities which are not necessarily controlled by our profession, either. Thus, I come to agree with the statement." - **Marlene Mirassou, MD**

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"While I agree that competition often improves the product, I strongly believe that every person should have access to basic services. Leave the unregulated profit part to compete for those who want more than the basics..like we do our school systems."  
- **Bette Hinton, MD**

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"None of our other rights, such as Life, Liberty, Pursuit of Happiness, Right to Bear Arms, require the Government to provide this service. All of our other rights require that the Government leave us alone. This is where the "right" to healthcare, provided at Government expense, becomes problematic. Maybe the Government should also pass out arms with unlimited access to munitions." - **Bill Lewis, MD**

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"It is the basic privilege of citizens but for those who are not there should be a special

format. Health is a privilege of living. The care of it is multifactorial and people are responsible for much of it." - **Elisabeth Mathew, MD**

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"I DON'T believe health care is a RIGHT!!" - **David Root, MD**

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"We have not defined health care as a "right" in this country." - **Janet O'Brien, MD**

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"There are demonstrable economic benefits of property rights, and an open market in commerce. Yet regarding health care, there is not a free market, due to a degenerate and entrenched political beaurocracy, and the resulting abridgement of free market principles. Monopolistic property rights, in the form of patents, have led to profiteerism. In the past, legally protected monopolies have led to abuse. What we see too often in the US today, is unbridled greed, both in business and in public life. It is apparent in jurisprudence, in government, and business, even the business of religion. Health care, now more than ever clearly a business, is not an exception. An effective drug or device can be critical to the survival or well being of many people. But a patent right that excludes competition can be exercised in a way that it is not only unethical, but dishonest. Unethical, because it denies our shared human condition. Dishonest because a new drug or scientific advance is the result of hundreds of years of scientific contributions rather than the accomplishment of one person or company. No wonder patent rights are being challenged more and more often around the world. Recent examples are the conflicts between the Thailand Ministry of Health and Merck over flu vaccine, and also with Abbott/Aventis over HIV drugs. The Thai want a more affordable price for flu vaccine, and threaten to make their own; Merck threatens to withhold the current flu vaccine from Thailand; and the Thai reply that they will hold foreigners hostage until the vaccine is delivered if a flu epidemic comes this year. Thailand has also threatened to manufacture an effective and convenient Abbot/Aventis AIDS combination drug; the manufacturers say they will retaliate by withholding all their other drugs from sale in Thailand. Foolish? Probably. But, under the circumstances, reflective of significant worldwide outrage. Shameless profiteerism at all stages of medical care is rampant, and we will never control runaway costs until the situation is somehow rectified. That may require radical therapy. As cruel, contemptible, and corrupt as the Castro regime is, could some of the general ideas have merit? There are aspects of life where less is more." - **John Loofbourow, MD**

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"Health Care is not a "Right" like life, liberty and the pursuit of happiness!"  
- **Don Macko, MD**

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It is inconsistent only if that market is the only available way to get health care. If there is an alternative "free" system then the co-existence of a free market is not inconsistent with the right to health care." - **Evalyn Horowitz, MD**

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