

Wyoming Senate Labor, Health and Social Services Committee

The Freedom of Choice In Health Care Act

February 4, 2009

Mr. Chairman,

My name is Douglas Gerard and I am from Gillette Wyoming.

I am here today as a private citizen and a representative of my friends who have helped create the website WyomingsFuture.org to support the Freedom of Choice in Health Care Act. I am here to ask the committee and the legislature to place the Freedom of Choice in Health Care Act on the 2010 ballot. Wyomingites deserve the opportunity to decide if health freedom is worth preserving.

Dr. Benjamin Rush, one of our nation's founding fathers, said in 1787, "Unless we put medical freedom into the constitution the time will come when medicine will organize into an undercover dictatorship and force people who wish doctors and treatment of their own choice to submit to only what the dictating outfit offers." Unfortunately, we are headed in the direction that Dr. Rush feared.

There is no doubt that health care costs are spiraling out of control and reform is needed. During the 2008 campaign season we heard from many different local, state and national candidates concerning health care reform. Unfortunately for Wyomingites the discussion, regardless of party affiliation, almost always started with "We must get everyone...", or worse "The government must mandate...", and even more egregious "The government must force..." Most disturbingly, it was rare that an individual's right to be in control of his or her health and health care be anything more than an afterthought.

The lack of consideration for the individual is why the Freedom of Choice in Health Care Act is vital to Wyoming. The act aims to protect every Wyoming citizen from Dr. Rush's aptly described "undercover dictatorship". It ensures that individual medical liberty is the cornerstone on which all health care reform must be built.

To me the beauty of The Freedom of Choice in Healthcare Act lies with its' simplicity. In three sentences the Act places individual medical freedom as the foremost concern in health care reform. The proposed amendment can be analyzed phrase by phrase as follows:

- *"All people have the right to make decisions about their health care."*
 - The core principle of the amendment.
- *"No law shall be passed that restricts a person's freedom of choice of private health care systems or private plans of any type."*
 - Keeps patients in control of their health by maximizing the number of options available for them to pursue.

- *“No law shall interfere with a person’s or entity’s right to pay directly for lawful medical services,”*
 - ‘pay directly’ avoids requiring government or private health insurers to be involved in every health care decision a person makes.
- *“nor shall any law impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.”*
 - This will limit the ability of lobbyists and special interests to create laws and regulations that completely disregard the intent of the Initiative, which is to preserve the rights of people to make their own health care decisions.

The Freedom of Choice in Healthcare Act is notable for what it does and does not do.

It does:

- Guarantee that any health care reform, that everyone believes is critically important, will be built on the foundation of individual medical freedom.
- Prevent the establishment of government run or government mandated health care.
- Restrict the ability of lobbyists and special interest groups from limiting or in extreme cases eliminating our health care options.
- Keep patients and families, not faceless bureaucrats, in control of their health and health care.

It doesn’t:

- Impact voluntary government administered health care programs, such as Medicare, Medicaid, and Kid Care CHIP.
- Have any impact on controversial issues such as abortion, medical marijuana, and end of life care.
- Prevent the provision and availability of a “health care safety net”.
- Prevent our state from licensing and regulating providers, institutions, or health insurers.
- Impact the terms of contracts for health and health care services for patients, providers, institutions, or health insurers.
- Require government or private insurers to pay for all legal medical services.

I am fortunate to have many friends in Wyoming; they include ranchers, teachers, miners, mechanics, doctors, bankers, nurses, technicians, engineers, lawyers, insurance agents and many others. When speaking with them about the idea of individual medical liberty, they are near unanimous in their support.

At first at I thought this might be because I associate with many likeminded people, but that changed when I recently participated in a telephone town hall meeting with Senator Barrasso. No fewer than 3 of about 12 questioners focused on preserving individual control of their health and health care. To me this is astounding as with all that is going on in the world today when questioning their US Senator, 25% of questioners think medical liberty is the most vital issue. Additionally, I am pleased to announce that yesterday I received word that the 600 member strong Campbell County Chamber of Commerce will

lend its support to the amendment. Clearly I am not alone in thinking medical liberty is an important issue.

Make no mistake; health freedom is currently under direct assault. Similar language just lost at the ballot box in Arizona this past November by less than 0.5%-- in spite of being outspent 5:1 and facing an endless barrage of misinformation. That government bureaucrats and the vendors who rely heavily on health care related government contracts would find the simple protections laid out in the amendment unacceptable to their ambitions should be a clarion call to us all.

I believe that Wyomingites will dramatically support this amendment. It is of the utmost importance that this be added to the 2010 election ballot this year. It would avoid the difficulty of passing legislation during a budget year. More importantly it would allow the maximum amount of time for Wyoming citizens to educate themselves about the amendment so we can all make an informed decision.

I humbly ask the committee and legislature to support the Freedom of Choice in Healthcare Act. I ask for your support even if you are philosophically in favor of government run or mandated health care, as I think we all can agree that the people of Wyoming deserve the chance to choose if medical freedom is worth preserving.

Mr. Chairman, committee members, thank you for hearing me out.