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SHARING A VIEW OF THE STATE

Issues and Comments – 33rd Senatorial District

Senator

Chuck Purgason

Health Care and Obligations of Citizenship

"The States can best govern our home concerns and the general government our foreign ones. I wish, therefore ... never to see all offices transferred to Washington, where, further withdrawn from the eyes of the people, they may more secretly be bought and sold at market." - Thomas Jefferson, letter to Judge William Johnson,
June 12, 1823

As the national debate on health care continues in Washington, D.C., several states across the nation are taking steps to protect themselves and their citizens in their state constitutions. Missouri is one of those states. This week a public hearing was held on Senate Joint Resolution 25, which is essential in securing the rights of patients to make their own health care choices.

Even before the events in Washington, D.C., the question of patient rights has been bubbling to the surface as an issue important to those interested in keeping the relationship between patient and doctor in tact.

The essence of the proposed constitutional amendment is this, "To preserve the freedom of citizens of this state to provide for their health care, no law or rule shall compel, directly or indirectly or through penalties or fines, any person, employer, or health care provider to participate in any health care system."

The proposed amendment ensures that:

"Each Missouri citizen has the right to pay for health care services with their own money,
"Health care providers may accept direct payment for services rendered by Missouri citizens,
"The purchase and sale of health insurance shall not be prohibited by law or rule, and;
"No person will be required to pay fines or penalties if they choose to purchase their own health care and accept payment for providing health care services."

In other words, an individual cannot be forced to participate in a health care system without their consent and individuals have the freedom to participate.

Think about it, there are two general obligations for citizenship in America: paying taxes and the draft. Proposals in Congress today would add a third obligation of forcing each American to purchase health insurance. Never before has the federal government used the force of the federal government to compel every citizen to purchase a product or service.

We can have the debate about whether it is responsible for someone to go without health insurance, but that is a completely different conversation than saying that every citizen must, by the force of law, purchase health insurance or enroll in a government program thereby binding them to the will of faceless bureaucrats.

Some argue that such an amendment to a state constitution is unconstitutional. They argue that the supremacy clause of the U.S. Constitution trumps state actions. It is time that we consider another constitutional principle, that of federalism. As a constitutional principle, it is important not only to the appropriate division of powers between the federal government and the states, but also the ever important pursuit of individual liberty and limited government.

Traditionally, states have been considered laboratories of democracy and innovation. The states were able, even expected, to develop policies reflecting the widely varying local conditions of our great land, and that is especially important in health care. Today, the federal government is asserting, if not amassing, its authority over the American life in regards to health care, imposing a "one size fits all" policy. Now is the time to reassert the proper constitutional role of federalism so that future power grabs become more difficult and less likely.

We should allow the people of Missouri to vote on this proposed amendment, allow us to voice our belief in liberty, allow us to direct the future of our state, allow us to direct the future of health care, allow us to retain the freedom that we already enjoy. If a constitutional challenge arises, then let's have that discussion, but let us not be intimidated into silence and inaction with threat of litigation.

Federalism is all about keeping government within the reach of the people, about keeping government in its place. Health care is personal, it is about us, each of us, and we deserve our rightful place in making health care decisions. The Health Care Freedom Act which Senator Jane Cunningham and I, along with several of our colleagues, have sponsored keeps government in its place. As Alexander Hamilton proclaimed before the New York ratifying convention, "Here, sir, the people govern."

As always, I appreciate hearing your comments, opinions, and concerns. I can be reached in Jefferson City at (573)751-1882, you can e-mail me at chuck.purgason@senate.mo.gov or you can write to me by regular mail at 201 WEST CAPITOL AVENUE, ROOM 420, JEFFERSON CITY, MO 65101.

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