

Proposed Act: 'The Right to High-Quality Health Care'

This proposed bill originally appeared in EIR, May 5, 2000, and in a mass-circulation pamphlet entitled, "Ban the HMOs Now! Before They Get You and Yours," issued by LaRouche's Committee for a New Bretton Woods, May 2000.

Declaration of Purpose

The purpose of this legislation is: a) to affirmatively establish the right of every person to the highest quality health care available; b) to abolish Health Maintenance Organizations (HMOs), Managed Care Organizations, and the practice of managed care by health insurers; and c) to re-assert the principles of the Hill-Burton Act (42 U.S.C. Section 291 et seq.) as the primary policy governing U.S. health policy.

This Act is necessitated by the immediate crisis in the health conditions in the United States, where millions of citizens are denied access to necessary health-care services due to the financial practices of Health Maintenance Organizations, Managed Care Organizations, the practice of managed care by health insurers, and the lack of adequate medical facilities in many communities in the country. This has created a health-care emergency in the United States.

Under the Preamble to the United States Constitution, the Federal Government is required to "promote the general welfare," thus necessitating immediate action by the Federal Government to address this health-care emergency.

The lack of access to adequate health care, and the practices of the Health Maintenance Organizations

and Managed Care Organizations, are in violation of Article 25 of the Universal Declaration of Human Rights of the United Nations, and Article 12 of the International Covenant on Economic, Social, and Cultural Rights, which establish the universal right to adequate health care, and require governments to take steps to assure access to quality medical care. The United States is a signatory to these declarations and covenants.

The practice of denying needed medical treatment to certain persons in order to cause their death, was prosecuted as a crime against humanity by the United States in the post-World War II Nuremberg Tribunals.

Section 1

A. It is hereby established and affirmed that every person has a right to the highest quality health care available.

B. Any practices by health insurers, that deny any person the right to the highest quality health care available, for financial, or any other reasons, are hereby prohibited.

Section 2

A. 42 U.S.C. Section 300e, et seq., providing for the establishment and operation of Health Maintenance Organizations, is hereby repealed.

B. It shall be unlawful to operate a Health Maintenance Organization, Managed Care Organization, or any health insurance program that practices managed care, or seeks to control costs by limiting necessary health care services provided to patients.

Section 3

A. It is hereby re-affirmed that the provisions of the Hill-Burton Act, 42 U.S.C. 291 et seq., are the governing principles for U.S. health care policy.