

IS HEALTH CARE A HUMAN RIGHT IN NEW YORK STATE?

Testimony by the Rev. Dr. Richard S. Gilbert
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I'm the Rev. Richard Gilbert, President of Interfaith Impact of New York State, a statewide coalition of congregations and individuals from Protestant, Reform Jewish, Unitarian Universalist, and other faith traditions, working for the common good through progressive religious advocacy. I speak in favor of a universal coverage, single-payer health system for New York. The New York Health Act is an important step in that direction.

The United States is ranked 37th out of 100 countries in health care quality by the World Health Organization despite being number one in cost.¹ The Empire State ranks as the 10th healthiest state, lower than our near neighbors Massachusetts - 2; Connecticut - 3; Vermont - 4; New Hampshire - 6.² Almost 5% of us still have no health insurance, to say nothing of those who are under- or poorly-insured.³

As one who suffers from the pain of arthritis, spinal stenosis and osteo-penosis, I have spent almost a year in our current system with little relief. Although covered by Medicare and a Medicare Advantage plan – both increasingly expensive for a retiree - I have experienced delays for doctors' appointments and denials by my insurance company. One of my recurring nightmares is that I am rushed to a hospital emergency room, screaming in pain, urgently wheeled to the desk. The intake person smiles down on me and asks, "And how will you be paying for this, Rev. Gilbert?"

It has been said that if you can keep your head when all about you are losing theirs, it is quite possible you have not grasped the situation. That is America in 2019. The Affordable Care Act (ACA) – Obamacare – has made remarkable progress in providing health care, despite the efforts of the current administration to undermine it.

However, the need for more radical reform is palpable. The ACA enables states to design their own system, within limits. This is a great opportunity for New York, the Empire State, to be a laboratory of democracy, to pioneer with a universal coverage, single payer model.

Dr. Elisabeth Rosenthal, Editor-in-Chief of *Kaiser Health News*, in her book, *An American Sickness*, writes, "In the past quarter century, the American medical system has stopped focusing on health or even science. Instead it attends more-or-less single-mindedly to its own profits." While her diagnosis is comprehensive, her prescription is daunting, placing too much responsibility on the average person to become a health care expert.⁴

During these hearings you will be deluged with facts, arguments and counter arguments on social, economic and political grounds. I want to make the case for universal coverage, single-payer health insurance from an ethical perspective. My assumption is that ethics is – or at least should be – an important consideration in state health policy.

We believe in the inherent dignity and worth of all persons, a value held by the world's religions, sometimes understood as the belief that we are all children of God. That underscores our view that health care is a human right, not a privilege subject to political whims, economic theories, or social fashions. That right is embedded in Article 25 of the UN Universal Declaration of Human Rights. The Preamble to our Constitution mandates government to "promote the general welfare." Franklin Delano Roosevelt in his *Bill of Economic Rights State of the Union Address* of January 11, 1944, asserted "...the right to adequate medical care and the opportunity to achieve and enjoy good health." Article 17 of the New York State Constitution proclaims: "The aid, care and support of the needy are public concerns and shall be provided by the state" and "The protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefore shall be made by the state...." (1938).

Therefore, New York must create a health care system that provides adequate health care for all its people as a right of citizenship. Our citizens should be treated as human beings with inherent moral rights, not as a commodity subject to the vicissitudes of the marketplace or the whims of political ideology. Health care needs are not a luxury for purchase. Rights cannot be bought and sold in the marketplace. Human rights are not denominated in dollars. Society is not a vending machine that delivers anything for the mere insertion of coins. Patients are not merely consumers. Otherwise, we may again be accused of knowing the price of everything and the value of nothing.

Therefore, we must place responsibility for a health care system in a government of, by and for the people, not in a myriad of insurance companies, hospitals and networks which rely primarily on profit as their *modus operandi*. Such a health care system must serve the common good; it must not be based on an individualism that bases health care on ability to pay.

While Adam Smith is often touted by those who advocate untrammelled freedom – each person for him or herself. Smith knew that the “invisible hand” could operate like a clenched fist; that markets could not function without an underlying moral culture animated by empathy and fellow-feeling, our common bonds.

Therefore, we must all bear the burden of health care for the whole population. We are all in this together. Solidarity is a lost value which must be restored. In terms of policy, that translates into taxes, remembering the words of Justice Oliver Wendell Holmes that “Taxes are the price we pay for civilization.”

That solidarity is exemplified in this narrative from our neighbors across the border. "When a Canadian man was handed an invoice showing the cost of his care after he was discharged from the hospital it was a news event covered throughout Canada. The 'bill' for \$2,269 – covering a two-day stay in a Toronto hospital for investigation of an irregular heartbeat – was stamped "Do not remit. Paid on your behalf by the citizens of Canada."⁵ And it should be noted that our Canadian neighbors began their popular health care system, not in Ottawa, but in the Province of Saskatchewan. New York can and should do likewise.

The moral imperative for universal health care coverage is clear. The political and financial mechanisms to reach this goal are not. In the “sausage-making” of politics there are many paths to this goal. *Washington Post* correspondent T. R. Reid’s book on *The Healing of America: A Global Quest for Better, Cheaper, and Fairer Health Care*⁶ lays out in fascinating detail how the world’s industrial democracies (except the U.S.) provide universal health care for their citizens with better results at substantially lower costs than the U.S.

Surely we have the capacity to overcome “American exceptionalism” and learn from other nations which have been far more successful in health care than we. Surely, there are those who can figure out a system both just and workable. We speak with a sense of moral urgency to move off the dead center of defending a system that is too-often an embarrassment.

To cries of socialized medicine, I respond: we all pay our taxes for public schools, for police and fire services whether we use them or not. Do we call this socialized public schools or a socialized police or fire department? No. We simply recognize our common obligation as citizens and as human beings.

We are not health care experts; rather, our role is in raising the ethical issues of health care. Can we ever bring that sense of community solidarity into our national conscience? Will we ever believe that health care is a human right? I hope someday I will be able to read on my medical bill: “Paid for by the citizens of the Empire State because we are a community; because we care; because we believe in the “independent web of all existence of which we are a part.” Thank you for your attention.

¹ *Health System Financing: The Path to Universal Coverage*. World Health Organization (2010).

² American Health Care Ratings Annual Report 2018.

³ America’s Health Ratings.

⁴ Elisabeth Rosenthal. *An American Sickness: How Healthcare Became Big Business and How You Can Take It Back*. New York: Penguin Press, 2017, p. 1.

⁵ Marilyn Dunlop, "Health Care: Canadian Style," *Public Citizen*, July-August 1992, 16.

⁶ T. R. Reid. *The Healing of America: A Global Quest for Better, Cheaper, and Fairer Health Care*. New York: The Penguin Press, 2009.