



ObamaCare Repeal: Just What These Doctors Ordered

Regular readers of *The New American* are undoubtedly aware of The John Birch Society's *Choose Freedom — Stop ObamaCare* tour last fall, which featured physicians opposed to the recent federal takeover of medicine. (See, for example, "Doctors for Freedom" in the October 11, 2010 issue.) However, the doctors participating in the Birch Society's tour are far from alone; they are joined in the fight by many other doctors' groups, some of which were formed explicitly to oppose ObamaCare. TNA recently interviewed the leaders of three of these organizations: Dr. Jane Orient, executive director of the Association of American Physicians and Surgeons (AAPS); Dr. Hal Scherz, founder and president of Docs4PatientCare; and Dr. Adam Dorin, founder of Physicians Against Obamacare.



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Doctors Going Against the Grain

The AAPS is by far the oldest of these organizations. Founded in 1943 to oppose the federal government's first attempt to nationalize healthcare, the Wagner-Murray-Dingell bill (named after its sponsors, Sen. Robert Wagner of New York, Sen. James Murray of Montana, and Rep. John Dingell, Sr. of Michigan, all Democrats), the AAPS has been a consistent, principled opponent of government intrusions into medicine ever since. It opposed Medicare and Medicaid from the outset and, in 1993, sued then-First Lady Hillary Clinton and other federal officials for their secrecy surrounding the healthcare task force that came up with Clinton's legislation to create a single-payer national health-insurance scheme. (A federal judge found in favor of the plaintiffs, only to be overturned on appeal.) The group later participated in lawsuits against various provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and on May 25, 2010, became the first organization of healthcare providers to file suit against ObamaCare.

Dr. Jane Orient, an internist in solo private practice in Tucson, Arizona, and clinical lecturer at the University of Arizona College of Medicine, has been the executive director of AAPS since 1989. She explained that AAPS "take[s] a stand on principle, and it's been that same principle since we were founded. We believe in the U.S. Constitution and limited government and the Oath of Hippocrates and that physicians shouldn't be compromising themselves by getting into conflicts of interest with their patients." To that end, AAPS encourages doctors to deal directly with their patients for payment, avoiding both public and private third-party payments; patients, however, are free to file claims with third parties. Orient practices what she preaches: She said she has "never taken insurance" and "never



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did participate in or take Medicare.”

Atlanta pediatric urologist Hal Scherz founded Docs4PatientCare in the spring of 2009 to, in his words, “represent doctors in this country who lost their representation when the AMA bailed out and when their specialty societies and state medical societies failed to do the job of stopping the onslaught against American medicine” that is ObamaCare. Witnessing the Obama administration’s attacks against doctors go unchallenged by medical societies, Scherz, as he recounted it, “got 40 doctors to go into a room, to agree to pony up some money, and that we were going to try to go ahead and put together an organization to get the word out” in hopes of preventing the passage of ObamaCare. Thus was born Docs4PatientCare, whose membership has since grown to 3,500 doctors and, according to Scherz, “thousands more in our alliance, people who support what we are doing.”

Scherz believes that the group’s efforts were successful in getting the public to express to Congress its opposition to the ObamaCare legislation. Unfortunately, he said, “the problem was that Congress wasn’t listening, and they did what they wanted.”

Having recognized early in the organization’s existence that they had “an opportunity to be more than just a one-issue advocacy group to stop ObamaCare,” Scherz said Docs4PatientCare’s main objective now is “to grow our membership so that we become a strong force in Washington so that we can go ahead and represent doctors and help people understand issues that affect our patients every day because nobody has ever done that before.”

A late but still very valuable entry into the anti-ObamaCare fray is Physicians Against Obamacare, a website created by Dr. Adam Dorin, an anesthesiologist in San Diego, California. Dorin, playing off his strength as a writer (he is the author of the 2007 book *Jihad and American Medicine*), created the website in the spring of 2010, just as ObamaCare was becoming law.

The site caught the attention of AAPS, which contacted Dorin. Together they sponsored the National Doctors Tea Party, which held events across the country, beginning with August 7 rallies, including one in Dorin’s home base of San Diego. That rally attracted 25 speakers, among them Dr. Orient; Reed Wilson of Docs4PatientCare; Joseph Farah of WorldNetDaily.com; Sally Pipes, president and CEO of the Pacific Research Institute and author of *The Truth About Obamacare*; San Diego talk-show host Roger Hedgecock, who occasionally substitutes for Rush Limbaugh; and Nevada Senate candidate Sharron Angle. Dorin said the event “was just a lot of fun” and received “a fair amount of media attention.” “I think we raised awareness and got people to realize that the AMA does not speak for anything close to the majority of docs,” he added. Orient counted the event a success, saying that it “enabled us to express a lot of basic ideas” that “weren’t being said at all” but became “planted in the public discourse” as a result.

Dorin obviously enjoys his public role, though he prefers to write rather than, as he put it, “just sit there and yell and scream all the time.” With the success of Physicians Against Obamacare under his belt, he decided to create America’s Medical Society, which was formally launched in October. Much like AAPS and Docs4PatientCare, America’s Medical Society is intended to represent members of the medical profession. Dorin said he created the society in part because he wanted Docs4PatientCare and AAPS to “come together to form one” organization but “saw that it wasn’t going to happen.”

(Orient argued that trying to combine the groups under a single umbrella, so to speak, would merely add “another layer of administration.” Furthermore, she noted that while the groups aren’t “working against each other” and, in fact, have cooperated on more than one occasion, they do “have some



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different ideas about things” and “different priorities.” AAPS, for example, is a very conservative organization trying to roll back nearly all government involvement in medicine, whereas the majority of Docs4PatientCare’s members are, according to Scherz, “center or center-right” and therefore willing to accept a greater degree of government intervention in their field.)

In addition, Dorin felt that the cost of membership in those organizations might be prohibitive for some doctors and decided to “create a real low-overhead alternative” with only nominal, or potentially no, membership fees. According to Dorin, there are “about a thousand docs” actively aligned with Physicians Against Obamacare and “probably more than that” as members of America’s Medical Society (he declined to provide a specific number), though still “a bit less than AAPS or Docs4PatientCare.”

It’s Not About Improving Healthcare

Despite their differences, which are usually a matter of degree rather than kind, the three physicians agree on several key points.

The first point of agreement is that ObamaCare is a destructive piece of legislation that ought to be repealed as soon as possible. Orient, with characteristic directness, called it “not healthcare reform” but “an attempt to destroy the currently existing institutions both for health insurance and for providing medical care.” Scherz, too, declined to consider it a healthcare law but deemed it rather a “tax-and-rationing” law. Dorin referred to it as “going the socialist route,” which he said is “the worst way” to reform the healthcare system. He explained:

My brother’s lived in London the last two-and-a-half years, and he has the best insurance in the world through [his employer], and yet he’s the first person to tell you that the healthcare system isn’t even close to what it is in the United States. The quality, the cleanliness, the way it’s kept up, the ability to get things done — it’s just not there, and I think that unfortunately that’s what’s going to happen in medicine [here in America].

The British National Health Service (NHS), of course, is the socialist entity with which Centers for Medicare and Medicaid Services (CMS) Administrator Donald Berwick claimed to be “in love.” One of the reasons Berwick is infatuated with the NHS is that it rations care, something Berwick believes is inevitable in any healthcare system. As he put it, “The decision is not whether or not we will ration care; the decision is whether we will ration with our eyes open.” Dorin noted that “the only way [ObamaCare] can work ... is to lower the level of care, ration it.”

Moreover, Berwick, whom Dorin called “the wrong person for the job,” is a proponent of wealth redistribution, declaring that “any health care funding plan that is just, equitable, civilized, and humane must, must redistribute wealth from the richer among us to the poorer and the less fortunate” — a point not lost on Orient, who argued that “a lot of [ObamaCare] is just simply redistribution of wealth.” AAPS contends in its lawsuit that ObamaCare “violates the takings clause of the Fifth Amendment,” she explained, “because it is taking property from people and forcing them to pay it [to] a private insurance company.” That is, of course, redistribution, albeit in this case from the poorer and less fortunate to well-heeled, politically connected corporations.

Even more troubling to these physicians than the socialist aspect of the legislation is the damage it will do to the doctor-patient relationship. Scherz, for example, said that ObamaCare and other federal policies “are very patient-unfriendly” and “put the government between the patient and the doctor, and that is just unacceptable.”

Orient, Scherz, and Dorin are all hoping that ObamaCare is repealed. Scherz and Dorin have more faith



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in Republicans to do the right thing — both said they believed the incoming GOP House of Representatives is likely to defund some parts of ObamaCare — than Orient, who recalled that although Clinton’s 1993 attempt at healthcare nationalization went down to defeat in a Democrat-controlled Congress, the Republican Congress that followed in its wake “enacted quite a lot of it” in HIPAA. This time, she said, “we’ll have to see whether they stand their ground.”

A second common belief among the doctors is that the AMA, as Scherz put it, “has become a special-interest group unto itself” rather than representing physicians across the country. Dorin calculated that the annual cost of membership in the AMA and affiliated state and local organizations is around \$2,000 — and, he added, “that’s a lot of money to be sold out, not being represented.”

What gives the AMA its enormous clout in Washington, the doctors agreed, is the roughly \$100 million it takes in annually from member and non-member physicians alike as a result of a government-granted monopoly on Medicare and Medicaid billing codes. Orient, as it happens, is the person who uncovered the unholy alliance between the Health Care Financing Administration (HCFA), which is now CMS, and the AMA in 1998. HCFA had given the AMA the exclusive copyright on the codes, and doctors have ever since been forced to fund the AMA through their purchases of code books, the sales of which generate enormous royalties for the AMA.

This deal with the devil, if you will, has not come without a price, namely the AMA’s independence. Scherz pointed out that the AMA originally came out in favor of ObamaCare, opposed it after finding out what was in it, and then reversed its position once more and endorsed it. “And,” he concluded, “you can just connect the dots and figure that somebody twisted their arm and reminded them that if they didn’t play ball they would lose their monopoly.”

The third thing on which the physicians concur is that real healthcare reform lies in the direction of the free market, not socialism. Every one of them mentioned that health insurance ought to cover only catastrophic care, not everyday sniffles. ObamaCare, said Orient, “basically outlaws anything that follows the principles of insurance” by prohibiting insurers from refusing customers with pre-existing conditions and from imposing limits on policyholders’ benefits, which only exacerbates the problem. The doctors believe that, in addition to repealing ObamaCare, tax policies that encourage employer-based, non-catastrophic health insurance should be modified. Putting patients in control of their own healthcare spending — “a return of personal responsibility,” as Scherz described it — is the first step toward reducing costs.

Finally, the doctors all expressed some degree of optimism that ObamaCare can be stalled if not repealed. As mentioned earlier, Scherz and Dorin are fairly certain that Congress will defund parts of ObamaCare; and Dorin believes that the Senate and the White House will go Republican in 2012, after which “ObamaCare’ll ... probably get repealed in ‘13,” though he fears that some of it will already have taken hold by then and will be difficult to repeal. Orient, although not quite so convinced that Republicans will stand by their campaign promises, said, “I do not think the situation is by any means hopeless because I think Americans are waking up. There’s a limit to what the federal government can do because it really doesn’t have any money, and I think we’re in for some very, very hard times.” “But,” she advised, “I think what we need to do is stay true to our principles and help each other out.” And that is the best prescription for the health of our families, communities, and nation, in good times and bad.

Photo: Dr. Hal Scherz



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