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3 Title: Clarifying the "Right" to Health Care
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5 Introduced by: James Szocik, MD
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7 Original Author: James Szocik, MD
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9 Referred to: Reference Committee E
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11 House Action: **DISAPPROVE**
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14 Whereas, much discussion has taken place regarding the “right” to health care, and

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16 Whereas, much confusion arises from the misapplication of the word “right” in the context
17 of health care, and much of this confusion can be attributed to an understanding of positive versus
18 negative rights¹, and

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20 Whereas, negative rights are seldom, if ever, in conflict and positive rights are frequently
21 incompatible with each other^{2,3,4,5,6}, and

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23 Whereas, the Supreme Court in Quebec, Canada has ruled that the “right to health care” as
24 provided by the provincial health service, violated the patient’s right to life and security of person
25 under the Quebec Charter of Human Rights and Freedoms by interfering with the patients right to
26 purchase other insurance⁷, and

27
28 Whereas, these issues only become clear when we discuss rights as “positive” or “negative”
29 and this is not a question of mere semantics, as the Orwellian usage of words leads to obfuscation
30 of meaning; therefore be it

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32 RESOLVED: That MSMS adopt policy, to sunset in five years, to cease use of the word
33 “right” in debates, proceedings, deliberations, and/or publications pertaining to health care without
34 distinguishing or clarifying whether the “right” being discussed is a positive right or negative right;
35 and be it further

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37 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask
38 our AMA to adopt policy, to sunset in five years, to cease use of the word “right” in debates,
39 proceedings, deliberations, and/or publications pertaining to health care without distinguishing or
40 clarifying whether the “right” being discussed is a positive right or negative right.

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43 WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE

¹ https://en.wikipedia.org/wiki/Negative_and_positive_rights

² http://www.euro.who.int/__data/assets/pdf_file/0004/138163/E94886_ch06.pdf.

³ http://www.afcm.org/Health-Care-Is-Not-A-Right_%28c%29-Leonard-Peikoff.pdf

⁴ <http://healthcare.procon.org/>

⁵ Andrew Bradley Medical student essay: Positive rights, negative rights and health care J Med Ethics 2010;36:838-841,
<http://jme.bmj.com/content/36/12/838.full>

⁶ <http://www.forbes.com/sites/theapothecary/2013/03/28/yes-health-care-is-a-right-an-individual-right/#57d22fa61301>

⁷ https://en.wikipedia.org/wiki/Chaoulli_v_Quebec_%28AG%29