



Obama's rhetorical skill: Mr. Yes we can (continue to loot all the hard-working, ordinary Americans wealth) has started showing his true colors by hastily signing in the \$787 billion "American Recovery and Reinvestment Act of 2009" or economic stimulus package.

This stimulus package has many flaws in it, however, one of the major flaws that comes into spotlight is a "health care" issue hidden in this bill. It has raised concern among critics who have had the chance to read the health care section, including a news gazette journalist who states "What do massive changes in the health care bureaucracy have to do with economic stimulus? A lot more than the government wants you to know."¹ The former Lieutenant Governor of New York, Betsy McCaughey, has written a widely circulated editorial with the analysis "Hiding health legislation in a stimulus bill is intentional."²

Obama's new health care reform is crafted by Tom Daschle, the former South Dakota Senator. He outlined his vision for this reform in the 2008 book called "Critical: What We Can Do about the Health-Care Crisis". According to the book, he suggested doctors to give up autonomy and learn to 'operate less like solo practitioners'. Daschle's book explained to slow

¹ [Stimulus package hiding in health bill \(news-gazette.com\)](#)

² [McCaughey Betsy, "Ruin Your Health With the Obama Stimulus Plan: Betsy McCaughey"](#)

down development and the use of new medications and technologies because these things are driving up costs. He further praises Europeans for being more willing to 'forgo experimental treatments' and accept the 'hopeless diagnoses'. Simultaneously Daschle chastises Americans for expecting too much from the health-care system. A provision in this new bill such as Health Information Technology (see below) had also appeared in his book. Barack Obama was about to nominate Daschle to be the Secretary of Health and Human Services, however on February 3rd 2009 he withdrew as the nominee because of his large tax debt, nevertheless his legacy of Health care reform continues to live on.

Obama was hurried into signing the economic stimulus package in order to avoid any public debate over this cunning health care issue and he did it deliberately. It appears to be consistent with Daschle's suggestion written last year, wherein he suggested that the next president should act quickly before critics mount an opposition, "If that means attaching a health-care plan to the federal budget, so be it... The issue is too important to be stalled by Senate protocol."³

The final bill was created by a House-Senate conference committee. It was posted on the House Appropriations Committee's website on late Thursday 12th in two PDF files. The first PDF, as ³ [McCaughey Betsy, The Library of Congress, page H1137](#)

posted at 8:20 AM Friday 13th morning, had grown by 72 pages to 496 pages; increasing the length of the total document to 1,071 pages.⁴

When the Congress passed this bill on February 13th, amazingly, not even one Senator has had the chance to read the entire bill. Senator Frank Lautenberg, Democrat from New Jersey, concluded on Thursday 12th that "I don't think anyone will have the chance to [read the entire bill]", referring to the final version submitted before the final \$790 billion vote in.

"The Democrats have thrown this at us very last-minute," said Representative Zach Wamp, Republican from Tennessee. "That's why the rule of thumb in the United States Congress should be, 'When in doubt, vote no,' because the devil is in the details and that's why this stimulus is not worthy of support."⁵

1. Health Information Technology

Now for the questionable and important issue which every American should draw their attention to:

Barack Obama will invest \$10 billion per year over the next five years to adopt standards-based computerized health records in the health care system throughout the country, on the premise of tentative benefits. "We will make sure that every doctor's office and hospital in this country is using cutting edge technology and electronic medical records so that we can cut red tape, prevent medical mistakes, and help save billions of dollars each year" Obama said.⁶ This is easier said than done as autonomous research will show

Trying to save billions of dollars wasted in the current inefficient system sounds positive, although practically it could cost substantially more to set up. Independent studies from Harvard, RAND and the Commonwealth Fund have shown that such a plan

⁴ [Rutilus AllecRed Herring, "Something Intended to Divert Attention From the Real Problem"](#)

⁵ [Byrnes Ryan and Mora Edwin, "Democratic Senator Predicts None of His Colleagues 'Will Have the Chance' to Read Final Stimulus Bill Before Vote"](#)

⁶ [McCloykey Paul "Obama adds health IT to economic stimulus package", Government Health IT](#)

could cost at least \$75 billion to \$100 billion over the ten years they think the hospitals would need to implement such program.⁷

Health information technology and privacy issue:

According to American Recovery and Reinvestment Act of 2009, section H.R.1031⁸: (2) in subsection (8) The term 'health information technology' means hardware, software, license, right, intellectual property, equipment, or other information technology (including new versions, upgrades, and connectivity) designed or provided primarily for the electronic creation, maintenance or 'exchange' of health information, to better coordinate care or improve health care quality, efficiency, or research. 'Exchange' of health information means your medical treatments history will be available at the fingertips of the Federal government and its alliances. Commentator Mike Adams writes "The bill requires the electronic tracking of the medical records of all Americans. All your private medical data will be stored in a government database, including your history of disease, pharmaceutical treatments, surgeries and even emergency room visits."⁹ Adams further describes it as 'big brother language' and tantamount to invasion of privacy. An important question emerges here is whether or not they will seek your consent. According to Obama's website¹⁰, he promises to protect patients' privacy. He left this short statement without further explanation of how he will accomplish his promise. Mike Adams, Natural News¹¹ raised a good point about the character of the new administration, stating that "there is also no reason to believe the U.S. government will safeguard patient medical data or even respect the privacy of patients. This is the same government, after all, that has been caught routinely spying on its own citizens by tapping phone lines, emails, faxes and internet traffic."

⁷ [Goldman, David "Obama's big idea: Digital Health records, CNNMoney.com](#)

⁸ [The Library of Congress, "Health Information Technology Promotion Act of 2009"](#)

⁹ [Adam Mike, "U.S. Government Seeks Control of All Doctors, Patient, Medical Records in Hidden Provisions of Stimulus bill"](#)

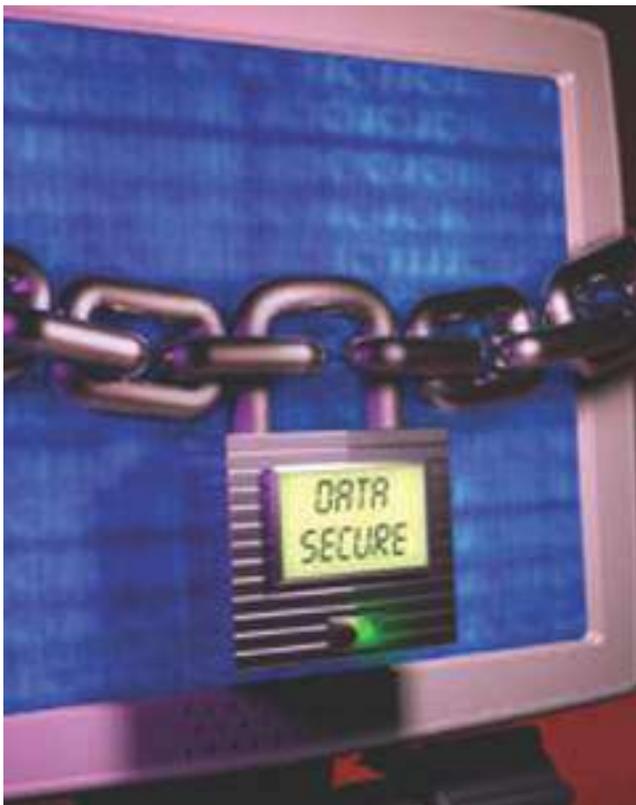
¹⁰ [Obama Biden, "Barack Obama and Joe Biden's plan to lower health care costs and ensure affordable, accessible health coverage for all", p.2](#)

¹¹ [Adam Mike, "Big Brother Health Care Provisions Slipped Into US Economic Stimulus Bill"](#)

Some provisions of the economic stimulus bill include:

- “The utilization of an electronic health record for each person in the United States by 2014.” (H.R.1, page 445)
- Advancing health care information “enterprise integration...” The term ‘enterprise integration’ means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law
- “The National Coordinator shall perform the duties...consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information and that... facilitates health and clinical research...”

The above provisions stated that the stimulus bill permits Americans’ personal health information to be exchanged and sold, without patients’ consent as for research and public-health purposes. The bill also mandates the plan for each American to have a single electronic health record by 2014, without



opt-out or patient consent provisions.

One question may arise here: how do we know that the federal government wants to share our information to others without our permission? The answer is that the bill states sharing individual patient’s information with affiliates in accordance with “applicable law”. Applicable law means the HIPAA Medical Privacy Rule (Health Insurance Portability and Accountability Act of 1996). It is important to know this HIPAA Medical Privacy Act in order to understand that it has many loopholes regarding privacy issue (see below).

Sue Blevins, president of the Institute for Health Freedom commented about HIPAA Medical Privacy Regulation saying “Most Americans have no idea that the so-called HIPAA privacy rule doesn’t give patients the freedom to give or withhold consent before their personal health information can be shared with others for many purposes.”

“President Obama has pledged to advance freedom. Therefore the freedom to choose *not* to participate in a national electronic health-records system must be upheld,” Blevins said. Referring to the right to privacy she affirmed “Unless people have the right to decide if and when their health information is shared or whether to participate in research studies, they don’t have a true right to privacy.”

Blevins further stated that “This bill is very misleading because while it promises to outlaw the selling of data, the exceptions to the rule are huge and allow Americans’ personal health data to be exchanged and sold for research and public-health purposes without patients’ consent.”

“This is a historical and unbelievable assault on the privacy rights of all Americans. Personal health information should not be exchanged and sold for research and public- health surveillance without patients’ consent,” stresses Twila Brase, president of Citizens’ Council on Health Care. “Patient data belongs to the patient. A pocket full of cash should not undo a patient’s right to protect their medical privacy.”¹²

[12 Blevins Sue and Brase Twila, “Final Economic Stimulus Bill Permits American’s Personal Health Information to be sold for Research and Public Health Purposes Without Patients’ Consent”, Institution for Health and Freedom](#)

So what is wrong with HIPAA Medical Privacy Rule?

David Brailer, former national coordinator for Health Information Technology said,

“HIPAA was never intended for the digital age, because the 1996 HIPAA law never anticipated the emergence of Web-based records.”¹³

The above statement of David Brailer was trying to mislead the Americans about HIPAA law. Richard Sobel, former senior Research Associate in the Program in Psychiatry and the Law at Harvard Medical School, examined this issue in a 2007 *Hastings Center Report* article “The HIPAA Paradox: The Privacy Rule That’s Not.” Sobel commented that,

“HIPAA is often described as a privacy rule. It is not. In fact, HIPAA is a disclosure rule, and it has effectively dismantled the longstanding moral and legal tradition of patient confidentiality.”¹⁴

Electronic Health Records (EHRs) is not the new Obama’s health care reform. In fact many powerful lobby groups including leaders of medical, hospital, insurance and other industries have been working for over a decade to nationalize standards for electronics medical records.

In 1991, the Workgroup for Electronic Data Interchange (WEDI) was established to foster the national electronic medical codes and electronic payment systems.¹⁵ WEDI succeeded in getting many of its goals incorporated into the Clinton health care plan. President Clinton’s 1993 Health Security Plan included a provision title “Administrative Simplification”, this section of the plan was to call for establishing a national health information infrastructure. It required including every: 1) individual, 2) employer, 3) health insurer and 4) health care provider. It also called for creating national codes for medical claims, new

¹³ [News Report, “Economic Stimulus Package Could Impinge on American’s Health Privacy, Say Group”](#)

¹⁴ [Institute for Health Freedom, “Congress Needs to Add Opt-out and Consent Provisions to Health IT to Ensure Quality Health Care”](#)

¹⁵ [Institute for Health Freedom, updated November 2008, “What Every American Needs to know about the HIPAA Medical Privacy Rule”](#)

federal medical privacy rules and unique identifiers assigned to the four categories mentioned for processing medical claims electronically.

The American people rejected the Clinton plan to nationalize health care. Nevertheless the Administrative Simplification provision was tucked away in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which was signed into law on August 21st 1996 (Public Law 104-191). Under the HIPAA law, the following four groups are required to have unique identifiers for tracking medical records and electronic claims processing. The four categories are the same as in 1993: 1) individual, 2) employer, 3) health insurer and 4) health care provider.

Due to public objection, federal funding for assigning every individual a unique health identifier has been put on hold temporarily over the past few years. Legislators included a provision in HIPAA requiring that a medical privacy law be passed by August 21st 1999, or the secretary of the Department of Health and Human Services (HHS) would have to draft such a rule. Congress missed its self-imposed deadline and the authority to establish federal regulations for medical privacy shifted to HHS under the Clinton administration.

In November 1999, the Clinton administration proposed federal regulations relating to medical privacy. It proposed prohibiting doctors, hospitals and others from obtaining patients’ consent before releasing their medical information. Conversely the public spoke out against the proposed guideline and removal of consent. HHS received more than 52,000 comments during the public comment period. The issue most discussed was patient control of personal health information.

A final HIPAA regulation was released on December 28th 2000, just before President Clinton departure. In response to public outcry, HHS restored patient consent. That version of the HIPAA regulation required individuals to give their consent before medical records could be used for health care treatment, payment, or “health care operation” (a broad term encompassing many activities). However, many other third parties did not need patients’ consent before obtaining their medical

records, including: 1) Food and Drug Administration (FDA), 2) law enforcement, 3) researchers (in some instances), 4) public health officials, 5) federal government and 6) medical licensing boards.

Some industries were strongly opposed to the consent provision as it appeared in the December 28th 2000 final HIPAA regulation. They lobbied the incoming Bush administration to eliminate patient consent. In March 2002, HHS proposed to modify the HIPAA rule so that health care insurers, hospitals and others could transfer medical information 'without' patients consent, in order to pay claims, treat patients and do other tasks. The Bush administration published its final modifications to the HIPAA rule on August 14, 2002. The final rule can be found in the U.S. Code of Federal Regulations (see 45 CFR 160 and 45 CFR 164).

"Consequently, for the first time in our nation's history, the federal government is now giving the medical industry legal authority to decide for individuals whether personal health information can be released to others without individuals' consent."¹⁶ Individuals will not get an accounting of when their medical records are disclosed for routine purposes.

Why did Obama rush Congress to pass this economic stimulus bill before the long weekend (February, 14-16th)? Why could not he give members of Congress time to read all this 1,071 pages during these 3 days holiday because he had intention to sign the bill on Tuesday (February 17th) anyway? Why did Obama sneak this major health care reform into the economic stimulus bill without informing the public about these massive changes? Wasn't he the one who promised to his people to be transparent?

These questions will be left for the respected reader to consider.

Apart from this cunning 'health information technology' mentioned above, it was just one tiny aspect among other problems in Obama's underhanded health care reform plans.

¹⁶ [Institute for Health Freedom, updated November 2008, "What Every American Needs to know about the HIPAA Medical Privacy Rule"](#)

According to this new health care reform, all American citizens will be tracked electronically by the federal government and its affiliates by 2014. That means your health and personal information can be exchanged and sold without obtaining individual consent (as already mentioned above). Other aspects that will affect American people.

- All doctors will now be stripped of their autonomy and forced to follow guidelines which will be dictated by the government, imagine what will happen with case specific care!
- Federal government will use 'cost effective standard' which elderly patients would consequently suffer the most
- Mandate to all children from birth to 21 years old to have health care coverage
- Federal government has more control over employer-based coverage
- Taxpayers' subsidies for small businesses
- Taxpayers will end up paying higher taxes to clear up this sky-rocketing amount of national debt

To those Muslims who voted for Obama and were optimistic that he would make a positive change, as the author wants to be honest with you, nothing will change except things can only get worse and only Allah knows how much worse it will get.

