

# 21 Recommendations for Unburdening Obamacare Regulations

The Department of Health & Human Services (HHS), under the direction of Secretary Tom Price, is looking for ways to unburden Americans from the regulatory shackles of the Affordable Care Act, and Citizens' Council for Health Freedom is weighing in.

Specifically, the Centers for Medicare & Medicaid Services (CMS) has issued a request for information seeking recommendations and input from the public on "how to create a more flexible, streamlined approach to the regulatory structure of the individual and small group markets," according to an HHS press release. "Our goal through this process is to identify and eliminate or change regulations that are outdated, unnecessary or ineffective; impose costs that exceed benefits or create inconsistencies that otherwise interfere with regulatory reform initiatives and policies."

CCHF provided 21 recommendations to HHS, based on five key elements of health freedom and five essential rights. Because many of CCHF's recommendations deal with patient privacy rights, these elements and rights are key, said CCHF president and co-founder Twila Brase.

## Five Elements of Health Freedom (CCHF's "5C" Solution)

1. Cash for Care: payment by cash, check or charge for routine and minor care
2. Catastrophic Coverage: indemnity insurance for insurable events
3. Charity: foundational ethic for the practice of medicine
4. Confidentiality: patient consent for data-sharing required

## 5. Compassionate Care: work for patients, not payers

### Five Essential Rights of Health Freedom

1. Right to Privacy (property right)
2. Right to Real Insurance
3. Right to Refuse Insurance and Medicare
4. Right to Private Contracts
5. Right to Be Charitable

“Freedom and privacy are inextricably linked together,” Brase wrote. “There is no freedom in a system of surveillance. And as we often say, ‘He who holds the data makes the rules.’ Thus, we emphasize the importance of patient control, patient choice and patient privacy in our recommendations.”

CCHF’s recommendations (read the full list [here](#)) include:

1. Expand hardship waivers to every American.
2. Let states and individuals determine essential health benefits.
3. Alert applicants to federal health exchange database.
4. Encourage direct payment, not managed care.
5. Expand charity options.
6. Rescind SSA rule that prevents access to Social Security benefits if citizens refuse Medicare Part A.
7. Rescind PPACA “Nondiscrimination in Health Programs and Activities” rule.
8. Restore practitioner “freedom of conscience” language
9. Prohibit coercive one-signature consent forms.
10. Require patients to be notified of right to refuse to sign HIPAA notice of privacy practices acknowledgement statement or form.
11. Change title of NPP to “Notice of Disclosure Practices.”
12. Provide protection by ending push for interoperability.
13. Zero out MU/MACRA/MIPS/APM penalties related to EHRs.
14. Stop building national Medicaid database.
15. End CMS plan for cloud-based access to patient medical

records.

16. Mandate written opt-in consent for state health information exchanges and the eHealth Exchange.
17. Require patient consent for locating and linking patient records.
18. Require parent consent for state storage, use, dissemination and research on newborn blood spots ("Baby DNA") as prerequisite for federal funds.
19. Restore parent consent requirements for federally funded research using Baby DNA.
20. End the \$25 million newborn genomic sequencing project.
21. End all health disparity data collection/reporting.

"CCHF believes each of these recommendations would reduce the Affordable Care Act's burdens on patients and doctors, enable physicians to practice medicine with ethical integrity, protect patient dignity and enhance and protect the patient rights and individual freedoms of all Americans," Brase said.

CMS will accept comments through 11:59 p.m. ET tomorrow at this link.

HHS also noted in the press release that "consumers who have obtained coverage through the Exchanges are facing significant premium increases. A recent report issued by our Department of Health and Human Services states that the average premium in the 39 states using in 2017 increased from \$232 in 2013 to \$476 in 2017, which is a 105 percent increase. Consumers are also dealing with fewer plans to choose from and a continuous stream of issuers exiting the Exchanges."

CCHF seeks to restore health freedom, for both patients and doctors, through its innovative initiative The Wedge of Health Freedom, which recently marked one year in existence. Today, more than 200 medical practices in 44 states around the country have joined The Wedge, which is using third-party-free direct payment to transform the entire health care system back to freedom and restore simplicity, affordability and

confidentiality. {eoa}