

Editor's Note

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In this issue is an editorial by Dr. Jane Orient, who is editor of the newsletter of the Association of American Physicians and Surgeons. She is vitally interested in the ethics of contracting for medical care, and her concern and action are not abstract, but real and risky, the ability of adults to enter into contracts with other adults is a basic requisite to fulfilling our obligations before God. [Prov. 6:1; 17:18; 22:26; Acts 5:4; Mat: 26:9; etc.]

There are certain forms to which the civil magistrate may require contracts to adhere since it is often the magistrate who will be called to adjudicate disputes arising out of contracts. The contracts need to be clear. Also, the civil magistrate may not assist in the enforcement of contracts to perform otherwise illegal acts, such as prostitution (except in Nevada) since it is the magistrate's duty to sanction such actions. Beyond limitations of this sort, however, people need to be free to contract with each other, to their mutual improvement, as adjudged by each for himself. It is frequently necessary for us to enter into contracts in order to fulfill our duties toward God and our fellow man. [Matt. 20:3]

Keeping the temple of the Holy Spirit is one duty Christians have before God. From time to time, there may arise problems with the body which the person lacks either the ability or the knowledge to perform. It may range from looking into the ear canal, which is very difficult to do on one's self, to performing abdominal surgery, which is nearly impossible to do on one's self, even if one knows how to do it. The individual must then seek out help. We need to contract with a physician.

The fact that human beings are a folding together of body and spirit makes it important to consider the influence of the spirit upon illness and treatment. Medical care is intrinsically a spiritual activity. What one

believes in one's spirit - about what is true, about the nature of the physical world, about how and why illness comes, and so on - will influence the choice of an approach to healing. [Amos 3:31 The ill person, then, will want to select a practitioner whose spiritual orientation and beliefs are most in accord with his own, if possible. What has happened with Medicare is a preview of what is impending for all Americans. Medicare "beneficiaries" are no longer legally able to choose a practitioner who is free. The civil government now implicitly but powerfully inserts into every contract between a Medicare patient and physician a lengthy, obtuse set of contractual provisions which neither party to the contract may escape. It is misleading for patients to be told that they are free to choose their own doctor, if the doctor is not free to practice as he believes is best.

In the Medicare system, the price is set, meaning that the physician is not free to offer for sale to the patient any service for which the government is unwilling to pay the cost of. It is glib to think that a physician may just charitably give away the service ad infinitum. Unless the physician has some other source of income, that will not be long possible. About half of the cost of physician services are actually covering direct costs that the physician must pay. The services are set, meaning that they may not contract to provide services in a way which the government has decided is not proper. It doesn't matter if the patient and physician think otherwise. The privacy of the patient is violated. If patients were but aware of all the people who get to know their medical business as a result of the government entry into their medical care, they'd be appalled. The definition of medical care is dictated. If a patient and physician are agreed that there is a significant spiritual aspect to either the illness or its management, the government has determined such discussions to be outside of the purview of medicine, and will impede free contracting between the patient

and physician in pursuing the benefits of their common understanding. There is no CPT code for biblical counseling known to me.

Dr. Orient has decided that the freedom of contract is so important that she is willing to risk the sanctions of the civil government. Her agreement with her patients is a tool by which they may be taught that their freedom to contract has been surreptitiously taken away from them. The handwriting on the wall is clear enough for her to read aloud. Will her patients heed the warning?