

Partisanship Trumps Protecting Delawareans' Freedom of Choice in Healthcare

By State Rep. Deborah Hudson

Regardless of your position on national healthcare reform, the recent death of the Delaware Health Freedom Act (House Bill 353) in the House of Representatives is a deeply disappointing development.

The measure had two critical objectives. First, it would have preserved Delawareans' freedom-of-choice in matters of healthcare. Under the bill, our residents could have exercised their free will to join the government plan, continued with their private healthcare coverage, or paid for their healthcare out of their own pocket – without the threat of being bullied into a decision by the federal government. Secondly, it would have defended the State of Delaware's right to govern its own citizens.

Delaware was hardly alone in trying to protect its citizens and stand up for its state's rights. At least 38 states have filed similar legislation, including the neighboring states of Pennsylvania, New Jersey and Maryland. Three states have already enacted laws (Virginia, Idaho and Arizona) and three states have placed constitutional amendments on the ballot.

From the start, the Delaware Health Freedom Act was the victim of political mischief. Speaker of the House Bob Gilligan (D-Sherwood Park), who opposes the bill, assigned it to the House Administration Committee in which Democrats enjoy a three-to-two majority. Committee Chairman, State House Majority Leader Pete Schwartzkopf (D-Rehoboth Beach), delayed considering the measure for as long as he could under the House of Representatives' rules.

When the committee finally, reluctantly, took up the bill, attorneys representing supporters and detractors offered their opinions. Oddly enough, perhaps the most compelling argument for allowing the bill to be debated by the full House came from one of its opponents.

In responding to House Minority Caucus attorney Ron Smith, Speaker Gilligan labeled Smith's opinion of the federal healthcare legislation mandates as "rash." Gilligan said the federal regulations to establish the new healthcare bureaucracy "have not even been written."

On that point we agree. Much of the federal healthcare law's implementation will rely on regulations that have yet to be crafted by federal agencies and the Delaware Health Freedom Act would have allowed Delawareans to make their own healthcare decisions after the implications of the federal law were better understood.

Again, I need to stress that this bill would not (could not) undo the federal healthcare law, but would simply allow Delawareans to choose if they wanted to be a part of the new program.

In the end, the committee hearing seemed to do little to sway any of the members' expressed opinions. In a vote split along party lines, Rep. Schwartzkopf, Speaker Gilligan and State House Majority Whip Valerie Longhurst (D-Bear) voted against releasing the bill for open debate. State House Minority Leader Richard Cathcart (R-Middletown) and State House Minority Whip Dan Short (R-Seaford) cast votes to allow it to move forward.

The bill's failure to make it to the House floor came despite an unusually strong show of support from average Delawareans. Bryan Steilkie Sr., Kent County Chairman for the 9-12 Delaware Patriots, carried more than 3,000 citizen signatures to the committee hearing in support of the bill.

State House Minority Whip Dan Short said keeping the bill in committee shows a lack of courage to openly discuss the issues raised by the legislation and to cast a vote on the House floor based on its merits.

Rep. Schwartzkopf said since the federal healthcare legislation may be heading for a confrontation in the U.S. Supreme Court, he saw no need for Delaware to act.

I find this disregard stunning because it neglects our core responsibilities as state lawmakers to defend the independence of our citizens as well as the authority of our state to govern itself. In killing the Delaware Healthcare Freedom Act, Reps. Gilligan, Schwartzkopf, and Longhurst have relinquished to a faceless Washington bureaucracy the freedom Delawareans had enjoyed to make their own healthcare decisions.

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