The Affordable Care Act, the Right to Health, and the Next American Dream

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American Public Health Association Annual Meeting
November 5, 2013
Human Rights & the U.S. Debate

Four Freedoms

1940

1960

“a necessitous man is not a free man”
-FDR
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Emergency Maternal & Infant Care Act
Hospital Survey & Construction Act
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Universal Declaration of Human Rights

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...” UDHR, Art. 25
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“Let a just nation throw open to them the city of promise to the elderly, by providing hospital care under social security...to those struggling to maintain the dignity of their later years.” — LBJ

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Medicare & Medicaid
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The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

- ICESCR, Art. 12
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“I am shocked to find that we in America have created a health care system that can be so callous to human suffering, so intent on high salaries and profits, and so unconcerned for the needs of our people...” – Ted Kennedy

1940  1960  1980  2000
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Theory      EVOLUTION     Application

1960    1980    2000

Declaration of Alma-Ata

ALMA-ATA 1978
PRIMARY HEALTH CARE

WHO UNICEF
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Clinton Market-Oriented Proposal
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“The right to health extends not only to timely and appropriate health care but also to the underlying determinants of health...”
Obamacare: A Rights-Based Approach to Health?

• Declaring Health a Human Right
• Single-Payer vs. Market-Based Approaches
• Comprehensive Reform
  – Mandated Coverage
  – Regulated Marketplaces
  – Expanded Public Insurance
  – Strengthened Public Health
• Constitutionality Challenges Overcome
Application of the Right to Health to U.S. Health Care Reform

- Dabney Evans, PhD, MPH (Emory)
  - Right to health: The next American dream

- Dhrubajyoti Bhattacharya, JD, MPH, LLM (Loyola-Chicago)
  - Using a human rights framework to identify the opportunities and shortcomings of the affordable care act to ameliorate health disparities among persons with HIV/AIDS

- Leslie London, MD, MB ChB (University of Cape Town)
  - Universal health care and the right to health - no gains without community agency