

W. Paul Degener  
P.O. Box 8536  
Topeka, KS 66608-0536  
(785) 246-0215  
[w.degener@sbcglobal.net](mailto:w.degener@sbcglobal.net)

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SUBJECT: Obama Care in Kansas

Madam Chair and members of the committee, my name is Paul Degener and I am here in opposition to Obama Care, not only in Kansas but in our great country.

During my testimony I will be using one of the politically incorrect "C" words, the Constitution, and as a supporter of the original intent of the Constitution, I do not apologize.

I contend that all of the fuss about the high cost of health care can be attributable primarily to the federal government since the unconstitutional introduction of Medicare.

As an example, I would like to direct your attention to Enclosure 1. Observe the amounts billed by the health care providers with the amounts approved by Medicare. These are not hypothetical numbers, they are numbers taken from my Medicare Explanation of Benefits (EOB). Some of you are employed and some of you are business owners or ranchers, and I would suspect that you would like to be paid the full amount for services rendered. This is not the case with those who are health care providers, the federal government, i.e., Medicare dictates how much they will be paid for services rendered. In addition to these shortfalls, as a result of Medicare underpayment, health care providers are required to hire additional office personnel to maintain the required documents and to keep up to date with the multitude of ever changing regulations of the federal government. How do health care providers make up for these shortfalls and additional secretarial requirements as a result of Medicare? Health care providers I have visited with indicate that they raise their fees or pass these shortfalls on to non-government insurance providers.

Notice the date of this EOB: August 2, 2011. Now go down the date column. In some cases it took 16 or 17 months for the health care providers to receive pay from Medicare for services rendered. As an employee or business owner you would be screaming to high heaven if it took that long to be paid for services rendered. Do we really want to add more inefficiencies to those already being experienced with Medicare by supporting Obama Care?

Add to the inequities and inefficiencies of the foregoing, the federal government has done nothing to curb the invasion of illegal aliens into our country, (which by the way is in violation of Article IV, Section 4 of the Constitution) and the supreme court dictates that health care providers must provide **FREE** health care to these invaders. Who makes up that shortfall? It is common knowledge that several hospitals have had to close their doors as a result of the influx of illegal aliens creating undue burdens on emergency rooms across the nation, the most expensive health care providers in the country.

Do we really want another socialistic government run health care system (Obama Care) that is unwieldy, inequitable and inefficient? Do we really want Obama Care in Kansas? I for one do not.

Guess what? Obama Care has hit Kansas. The other day I visited my chiropractor and was greeted by a young lady with a clip board and a blank form and was asked to fill it out, and I asked "what is this for, the federal government?" to which she replied yes. (See Encl. 2). She was hired specifically for the purpose of entering the information from these completed forms into the computer, which would then go to that great computer of the federal government. You too will be asked these questions about your most personal and private health care issues that will ultimately wind up in the hands of some bureaucrats working for the federal government. I ask you, what has happened to the 4<sup>th</sup> Amendment to the United States Constitution that protects the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures? What has happened to doctor patient confidentiality? The federal government has become and is intrusive and out of control.

This brings me to my next point. If the state legislatures believe in the original intent of the Constitution, then the state of Kansas as well as the other 49 sovereign states, (or is it now 56 other states, Obama has me confused on this issue) that are parties to the Constitution, are sovereign and have the power to bring our runaway federal government to heel.

I am not a Constitutional scholar; however, I can read to some extent and have some ability to understand most of what I read with the exception of current government legalize.

James Madison, the author of the Constitution explains to us that the federal government has well defined, limited powers (Federalist #45) as spelled out in Article I, Section 8 of the U.S. Constitution, (Encl. 3). I find it amazing that I can find no reference to health care and/or insurance, either in Article I, Section 8 or anywhere else in the Constitution. Do you suppose that possibly Obama Care and/or Medicare and Medicaid may be unconstitutional?

In further support of my presentation, I submit the following quotes of those who knew the original intent of our Constitution.

In the 1800's, John Marshall, former Chief Justice of the Supreme Court in Marbury v. Madison found that laws repugnant to the Constitution were void. Does that make Obama Care void? Obama Care is repugnant not only to the Constitution but to a large portion of the population.

Following is a quote from James Madison, reported to be the author of the Constitution. If James Madison did not understand the original intent, then nobody ever will:

“The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that **there can be no tribunal above their authority, to decide in the last resort, whether the compact made by them be violated;** and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.

— James Madison, Virginia General Assembly Report of 1800

In my view, Madison tells us that the sovereign states trump even the Supreme Court. What say you?

Thomas Jefferson had the following to say on this matter:

“ Resolved.... That the several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and, **That a nullification, by those sovereignties, of all unauthorized [unconstitutional] acts done under color of that instrument, is the rightful remedy.**

— Thomas Jefferson, The Kentucky Resolutions of 1799

The Constitution of the United States is as relevant today as it was in 1787. I have had young people tell me that the founders were a bunch of old guys, wearing wigs and had no concept of the advances in technology of the 20<sup>th</sup> and 21<sup>st</sup> centuries. They were right on all three counts, but what they were not taught was that those old white guys wearing wigs were well educated in the many different forms of government and that they knew the strengths and weaknesses of each, that they had experienced living under a tyrannical government, all of which guided them in constructing our Constitution, the greatest document ever conceived by man in forming a government and protecting individual freedoms. These young people were not told that the Constitution was not conceived around the advancements of technology. They were

not told that our founders were well aware of the nature of man and man's thirst for power and what lengths overly ambitious men would do to gain power and to retain that power.

Let's here from Thomas Jefferson on the question of man and quest of power:

The Works of Thomas Jefferson – Page 475

By Thomas Jefferson, Paul Leicester Ford – United States – 1904

“In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ...

In summary, it is my opinion, based on the Constitution and the wisdom of the founders, we as the sovereign state of Kansas, have the authority to declare Obama Care as unconstitutional and as such, have the power to nullify Obama Care or any other law repugnant to the Constitution. Don't squander the power handed down to this legislative body by the Constitution and the founders. Use it to your advantage to control our run away federal government.

I urge you to look on Obama care as unconstitutional and submit your finding as such to the legislature.

With that, I will stand for questions.





# Patient Health History

Today's Date  /  /  Signature of Patient \_\_\_\_\_

Patient Title: (check one)  Mr.  Mrs.  Ms.  Miss  Dr.  Prof.  Rev.

First Name \_\_\_\_\_ Nick Name \_\_\_\_\_

Last Name \_\_\_\_\_ Middle Name \_\_\_\_\_ Suffix \_\_\_\_\_

Address 1 \_\_\_\_\_

Address 2 \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Primary Phone \_\_\_\_\_ Secondary Phone \_\_\_\_\_

Mobile Phone \_\_\_\_\_

Home email \_\_\_\_\_ Work Email \_\_\_\_\_

*By providing my email address, I authorize my doctor to contact me via the email address(es) provided.*

Which email address would you like us to use to communicate with you? (check one)  Home  Work

Contact Method (check one)

Primary Phone  Secondary Phone  Mobile Phone  Home Email  Work Email

Date of Birth  /  /  Age \_\_\_\_\_ Gender (check one)  Male  Female  Unspecified

Marital Status (check one)  Single  Married  Other SSN \_\_\_\_\_

Employment Status (check one)

Employed  FT Student  PT Student  Other  Retired  Self Employed

Race (check one)

White  Black/African American  Hispanic  American Indian/Alaskan Native  
 Asian  Asian Indian  Chinese  Filipino  
 Japanese  Korean  Vietnamese  Native Hawaiian or other Pacific Island  
 Samoan  Guamanian or Chamorro  Other \_\_\_\_\_  I choose not to specify

Multi-Racial (check one)  Yes  No  Unknown

Ethnicity (check one)  Hispanic or Latino  Not Hispanic or Latino  I choose not to specify

Preferred Language (check one)

English  Spanish  American Sign Language  Chinese  French  German  
 Tagalog  Vietnamese  Italian  Korean  Russian  Polish  
 Arabic  Portuguese  Japanese  French Creole  Greek  Hindi  
 Persian  Urdu  Gujarati  Armenian  I choose not to specify

Continued ...

ENCL 2



**Verification Question** (choose only one question by circling the question, then give the answer to that question)

- What is the name of your favorite pet?   
  In what city were you born?   
  What high school did you attend?  
 What is your favorite movie?   
  What is your mother's maiden name?   
  On what street did you grow up?  
 What was the make of your first car?   
  When is your anniversary?   
  What is your favorite color?

**Verification Answer to the Chosen question:** \_\_\_\_\_

(NEED AT LEAST 6 CHARACTERS OR MORE)

Do you currently smoke tobacco of any kind?   
 Yes   
 Former smoker   
 Never been a smoker

If yes, how often do you smoke:   
 Current every day smoker   
 Current sometimes smoker

If yes, what is your level of interest in quitting smoking?

- 0   
 1   
 2   
 3   
 4   
 5   
 6   
 7   
 8   
 9   
 10  
 No interest Very Interested

**Current medications, including frequency and dosage if known. If there are no current medications, check here:**

	Start Date		Start Date
1) _____		5) _____	
2) _____		6) _____	
3) _____		7) _____	
4) _____		8) _____	

List any known allergies you have had to any medications.

If no allergies are known, check here:

- 1) \_\_\_\_\_ 3) \_\_\_\_\_  
 2) \_\_\_\_\_ 4) \_\_\_\_\_

Briefly list your main health problems: \_\_\_\_\_  
 \_\_\_\_\_

Has any doctor diagnosed you with Hypertension presently?   
 Yes   
 No   
 If yes, describe: \_\_\_\_\_

Has any doctor diagnosed you with Diabetes presently?   
 Yes   
 No   
 If yes, what kind?   
 Type I   
 Type II

If yes to Diabetes, was your blood lab-work test for hemoglobin A1c > 9.0%?   
 Yes   
 No   
 Not Sure

If yes, other comments regarding Diabetes: \_\_\_\_\_

Have you had an X-ray or CT scan or MRI of your low back spine in the past 28 days?   
 Yes   
 No

**To be performed by clinic staff:**

Height: \_\_\_\_\_ inches   
 Weight: \_\_\_\_\_ pounds   
 BP: \_\_\_\_\_ / \_\_\_\_\_



# Constitution Of The United States Of America

## Article I, Section 8

The Congress shall have the power to:

- Lay and collect taxes.
- Pay the debts.
- Provide for the general welfare.
- Borrow money on the credit of the United States.
- Regulate money with foreign nations.
- Establish on uniform rule of naturalization.
- Establish uniform rules on subject of bankruptcies.
- Coin money and regulate value thereof and of foreign coin.
- Provide for the punishment of counterfeiting.
- Establish post offices and post-roads.
- Promote the progress of science and useful arts.
- Constitute tribunals inferior to the Supreme Court.
- Define and punish:
  - Piracies
  - Felonies committed on the high seas.
  - Offenses against nations.
- Declare War
- Grant letters of marquis and reprisals.
- Make rules concerning captures on land and water.
- Raise and support armies.
- Provide and maintain a navy.
- Make rules for:
  - The Government.
  - Regulations of land and naval forces.
- Provide for:
  - Calling forth the militia.
  - Execute the laws of the union.
  - Suppress insurrections.
  - Repel invasions.
- Provide for Organizing Armies and disciplining the militia.
- Governing such portion of the militia employed in the service of the United States.
- Exercising exclusive legislation over Wachington, D.C.
- Exercise like authority over:
  - Places purchased by Congress.
  - Forts.
  - Magazines.
  - Arsenals.
  - Dock-yards.
- Make all laws which shall be necessary for carrying into execution
  - Foregoing powers.
  - All other powers vested by this Constitution in the government of the United States
  - Or in any department or officer thereof.