



Is there a right to medical care?

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Bridging gaps through familiarity, kindness, and acceptance

TO EVEN BEGIN TO ANSWER THE QUESTION—

“Is there a right to medical care?”—one must first define a “right.” Legal rights, such as entitlements guaranteed by law to have or obtain something or to act in a certain way, are both determined and limited by legal jurisdiction. Human rights, on the other hand, involve just claims to the fulfillment of a universal human need. The justice of the claim is related directly to the universality of the need. For example, the right to sufficient amounts of food to live with dignity. Such a right is universal regardless of the jurisdiction within which you live. However, even human rights are not absolute. At the very least, the right to food requires that sufficient food is available and that people can access it.

Rights and responsibilities

With every right, there are corollary responsibilities. If you have a right to vote (a legal right), I have a duty not to interfere in any way with your exercise of that right. If you have a right to food (a human right), I have a duty not to keep you from eating. Please note, both are negative duties—a duty not to interfere, not to prevent you from exercising your right.

With legal rights, the positive duty to protect the right rests with the law (courts, legislatures, and police) in that jurisdiction. The law, however, may or may not protect human rights. And any attempt to turn the negative duty into an obligation to help is affected by three things: 1) the extent to which you can help yourself; 2) the extent to which I can help you without transgressing my own rights; and 3) the extent to which I can help you without transgressing someone else’s human rights.

In the final analysis

Against this backdrop, we can analyze the question, “Is there a right to medical care?” In the United States, a



limited right exists with care of the injured and ill most commonly provided in hospital emergency departments. Citizens of the right age or those with a disability who have contributed and applied have a legal right to Medicare. Most children have a right to medical care (unless the current Administration’s budget passes as is). For some citizens, their employment includes limited access to medical care, and others qualify for Medicaid. When their access to care runs out (or if they lack the money to pay the upfront deductible), they have no legal right to care other than emergency department services.

Is there a human right to medical care? Almost certainly, if the care is available and accessible. So, let’s ask ourselves some questions.

- *To what extent can the ill help themselves* (if they’re not a member of the privileged groups who are covered by insurance)? The cost of medical care, both acute and long term, is so high in the United States that only the very wealthy can afford it.
- *To what extent can the United States afford to provide medical care to all without bankrupting itself?* The United States is unquestionably the wealthiest nation in the world. If other nations can provide medical care to their citizens, and they’re not as wealthy as we are, we most certainly can afford medical care for our citizens.
- *To what extent can the United States provide medical care without transgressing the human rights of others?* A good case can be made that it’s in the country’s best interests to provide medical care to citizens to, among other things, control infectious diseases, increase workforce productivity, and ensure the well-being of the populace.

So, what am I saying? I’m saying that the people of the United States have a human right to medical care—and they should have a legal right to it, too!

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