

The Washington Times

Sebelius as the Grim Reaper? Obama's HHS head controls Medicare payouts

By: James Richard Edwards - December 6, 2013

Is Katherine Sebelius trading her tailored suit for flowing black robes of death? The Independent Payment Advisory Board, or the Obamacare Death Panels, are the reason that Kathleen Sebelius, current secretary of Health and Human Services cannot be fired for the absolute disaster of the Obamacare roll out.

Under Obamacare, the decision on what Medicare will, and won't, pay for rests with the Head of Health and Human Services, and note it is 'Health and *Human*' not 'Health and *Humane*' Services. As head of HHS, she can, without oversight, make what ever decision she wants over your health care benefits. What will and won't be paid for. And how much they will pay the doctors and hospitals.

If Katherine Sebelius is removed from that post, Dems may well lose control of that power and control. A chance President Obama will not take.

Simply controlling what Medicare will pay for a procedure will determine whether doctors and hospitals will be willing to perform that procedure. Will determine who will live and die.

An example could be if you are over 76, Medicare will not pay for a heart procedure or cancer treatment.

How is this latest insult being added to the injury of Obamacare?

On Monday of last week, Mark Halperin, political editor for Time Magazine and a well-respected liberal journalist was on "The Steve Malzberg Show" on NewsMax radio and was asked the following question : "...so, you believe there will be rationing, a.k.a. "death panels (in Obamacare)?"

His response was, "It's built into the plan. It's not like a guess or a judgment. That's part of how costs are controlled."

Halperin is correct, and these Obamacare "death panels" are innocuously referred to as the Independent Payment Advisory Board ("IPAB"). IPAB is a board made up of up to 15 unelected bureaucrats. Progressive Democrat Sen. Howard Dean of Vermont described it well in a July 28, 2013 op-ed in the Wall Street Journal as follows:

"The IPAB is essentially a health-care rationing body. By setting doctor reimbursement rates for Medicare and determining which procedures and drugs will be covered and at what price, the IPAB will be able to stop certain treatments its members do not favor by simply setting rates to levels where no doctor or hospital will perform them."

The Democrats in the Senate recently changed a rule that is hundreds of years old effectively blocking the minority party from filibustering Presidential nominations, excluding those to the Supreme Court. Therefore, now all Presidential nominations will only need 51 votes in the Senate for confirmation, rather than 60 votes that was previously required if the minority party chose to filibuster a nominee.

This decision and the IPAB are intimately related. This administration is always scheming to steal freedom from *We The People*, and this situation is no different.

IPAB is tasked with making “proposals” to Congress when Medicare spending reaches a certain level. Michael Cannon and Diane Cohen describe the implications of these “proposals” in their Policy Analysis for the CATO institute titled, “The Independent Payment Advisory Board: PPACA’s Anti-Constitutional and Authoritarian Super-Legislature,” (see attached pdf) as follows:

“When the unelected government officials on this board submit a legislative proposal to Congress, it automatically becomes law: PPACA requires the Secretary of Health and Human Services to implement it. Blocking an IPAB “proposal” requires at a minimum that the House and the Senate and the president agree on a substitute. The Board’s edicts therefore can become law without congressional action, congressional approval, meaningful congressional oversight, or being subject to a presidential veto. Citizens will have no power to challenge IPAB’s edicts in court...IPAB’s unelected members will have effectively unfettered power to impose taxes and ration care for all Americans, whether the government pays their medical bills or not...”

If that isn’t scary enough, according to the wording of Obamacare, Congress cannot repeal IPAB (without repealing Obamacare in its entirety) except during a small 7 month window in 2017. If Congress does not repeal IPAB during that 7 month window, there is never another chance to do so.

Additionally, if IPAB is not repealed in that 7 month window, beginning in 2020, Congress and the President have no recourse against a “proposal,” even if Congress votes for it and the President signs it.

If the President does not appoint any members to IPAB, or if the Senate does not confirm any, Obamacare mandates that all of that super-legislative authority to create “proposals” on what services Medicare will pay doctors to perform falls to one single individual: the Secretary of HHS, Katherine Sebelius.

If Sebelius is fired, the confirmation hearing for her progressive successor would be an absolute bloodbath, and even more so considering this unbelievable new power and authority for the Secretary to draft and implement legislation without any oversight.

The only way Obama can maintain control and power over each individual American’s health is if he keeps Sebelius as the HHS Secretary until the end of his term and does not appoint any members to IPAB until the very end of this term.

That way Sebelius can draft and implement the exact legislation Obama wants without having to deal with Congress, the Courts, or that silly Constitution. Ideally Obama would then appoint all 15 IPAB

members at the very end of his time in office. However, this plan would require the President to have 51 votes in the Senate in 2016 to confirm all 15 progressive members.

The Democrats, after seeing only the beginning of the political disaster that is Obamacare, are getting very worried that they may not hold the Senate in 2016, or even in 2014. Therefore, it is very likely that Obama will appoint all 15 members to IPAB before the 2014 elections, and with the new Senate rule that the minority party cannot filibuster Presidential nominations (excluding those to the Supreme Court), the President can push through 15 far left proponents of fully centralized government. These bureaucrats will serve six year sentences and will therefore be in power throughout the end of Obama's term and the entirety of the next President's first term.

There is no requirement that any of the board members be medical doctors, and, contrary to almost every single other government agency, there is no requirement that IPAB be bi-partisan. Finally, these members cannot be removed except for very egregious and specific conduct described in the text of Obamacare.

Obamacare states that IPAB cannot ration care. Technically, this may be true. However, as stated previously by Sen. Dean, all IPAB has to do is to say that Medicare will pay for all services and drugs, but make the payments to doctors and hospitals so exceedingly low that no doctor or hospital could afford to provide these services or drugs.

Therefore the Democrats will be able to blame the mean, selfish and evil doctors and hospitals that refuse to be slaves to the state and work for free rather than the benevolent government that is rationing care. This is the same technique the administration is using to destroy the private insurance industry: over regulate it, requiring companies to deliver expensive and unneeded services, and then blame the companies for higher prices.

The plan, as articulated in the article *If America blames Obama, Obamacare dies* is for Obamacare to put the private insurance companies out of business leaving only Medicare, or a Medicare-esque service, for all Americans. Also, many hospitals and doctors receive a good amount of their income from Medicare and Medicaid patients. When IPAB stops paying for certain services and drugs, many hospitals and doctors will not be able to perform those services at all, as income from private insurance companies may not cover the overhead for certain procedures and drugs.

This is how IPAB will control the availability and price of services and drugs for those with private insurance as well.

The only way to stop IPAB is to repeal Obamacare entirely or to repeal the IPAB during the 7 month period the law provides for in 2017. If it is not repealed, 15 government run bureaucrats will make decisions about you and your families' healthcare, and outside of very limited exceptions, no one – not the Courts, not Congress, not the President- can alter these decisions.