

CALCULATION N^o. 182322

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TITLE: THE DIFFERENCE BETWEEN SHIT AND SHINOLA

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CALCULATION:

It is atrocious for the people who run and manage any government to lie to the Citizens who elected them. It is worse than stealing from the Citizens who elected them, and only slightly less atrocious than lying AND stealing from them. There is no word in any language that can properly quantify and qualify the pure inhumanity which occurs when these same people legislate and pass a law, specifically protecting or guaranteeing a *right* or *liberty* consistent with “democratic principles” and in the same law, include a section which directly contradicts the premise of the law (which technically invalidates the entire legislation), then slowly, over the course of time, induce a change in the day-to-day behavior of the Citizenry to the point where what is considered “normal” can be defined by the contradiction in the original law, thus legitimizing the contradiction in the law and eliminating the risk of invalidation, by virtue of popular opinion. Regardless of intent, the deliberate use of governmental authority to influence and modify day-to-day “normal human behavior”, be it of the natural person or the juristic person, is shamefully deceitful. When the modified behavior becomes the norm, what was originally an invalid law then becomes an instrument for oppression, financial gain and the perpetuation of the use of fear to control; it is the worst kind of lie and therefore fraud. Whenever the language used to write any law expresses concepts or ideals in absolute terms, a government cannot use its influence over the daily lives of its citizens to change or modify the conditions, customs or other social instruments of behavior to create a variation of “normal daily life” which in turn justifies and validates a law that contradicts itself.

NARRATIVE

This calculation can be precisely explained by observing its most relevant example. This is how I explained it once;

THE DIFFERENCE BETWEEN SHIT AND SHINOLA

Maybe it's just me, but I'm puzzled by a particular irreconcilable equation in the area of law and medicine. In particular, the material in question is the Social Security Act of the United States of America; specifically, Title XVIII: Health Insurance for the Elderly. That's its official name, although everyone other than the author calls it 'Medicare'.

Medicare is, by definition, Title XVIII of the Social Security Act, therefore all of its sub-sections begin with 18, followed by the paragraph or section number. Subsequently, Section 1801 of the Social Security Act is the first paragraph of Title XVIII. This would make Section 1801 the very first rule written for Medicare. The first paragraph of any law as impactful as Medicare usually makes an extremely powerful, clear, precise and inarguable statement relating to the preservation of "liberty" or "freedom" or "democratic principles" or any of the other qualifiers that may be used when a government wants to be considered "good" as opposed to dictatorships, totalitarian regimes or pseudo-communist or socialist governments which are all universally accepted as "bad" even though those definitions are not written anywhere....else. Such is the case with Title XVIII. Medicare established the provision of medical insurance for the elderly citizens of the United States by the government itself. This concept, when compared to the values expressed by Americans as "democratic" or "freedom-loving", comes dangerously close to giving the appearance of something "socialistic" or "communistic", both of which are capital sins in the American vernacular. The government paying for medical insurance violates all of the rules of capitalism and undermines the very fabric of the Constitution itself, yet it was a clear, simple and obvious choice for the U.S. government to make. Therefore, in order to make Medicare more palatable to the warped mentality of those whose minds have been damaged by the concept of money and wealth, the very first paragraph of the law called Medicare makes a grandiose and absolute statement of American values and virtues which in turn gives the money-powerful huge boners and the public a sense of being protected and subsequently assures that practically no one will bother to read Section 1802 or any other.

Section 1801 of Title XVIII reads as follows:

PROHIBITION AGAINST ANY FEDERAL INTERFERENCE

Sec. 1801. [42 U.S.C. 1395] Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person.

I have to admit that every time I read that, I get a little wood; it's that powerful. The government will pay for the medical insurance of its elderly, a clearly socialist policy, but then, in the very first paragraph, they prohibit themselves from exercising any supervision or control over the practice of medicine, which is what creates the EXPENSE or DEBT that the government is indemnifying its elderly citizens against incurring. Why was this premise chosen for the very first paragraph and why is it so powerful? If the government is granting and paying for medical insurance for its elderly, then it's guaranteeing its elderly, or *indemnifying* them (which is what insurance is supposed to do) against financial losses incurred should they require the services of a medical doctor or hospital. Subsequently, it would be clearly and obviously unjust and unfair for the government to dictate how medicine is practiced, since that would allow for the government to control the cost of that which it is promising its citizens that it will PAY for, by rule of law. That would be unthinkable! This is the U.S.A.!!! We don't and won't tell doctors what they can or cannot do to their patients. That is what "bad" governments do. Such a thing would violate the freedom of physicians. It would undermine the very core of what the United States and its Constitution stand for. If the government were to actually dictate how medicine was practiced, that would also give them literal control over the very lives of its elderly and by extension, the entire population. Such a notion is so foul a thought as to be labeled "unthinkable" the mere insinuation of that possibility provokes outbursts of anger, nausea and outrage. Governmental control over the very lives of its citizens is impossible in the U.S.A. as it is unacceptable to its citizens and to the Constitution which guarantees the American people that their government will never become an instrument of oppression. Right?

So then why does Section 1801 promise that the government will never do what it is already not allowed to do? Isn't that at best an empty promise and at worst a contradiction? ***Of course*** the government can't dictate how medicine is practiced. That's a moot point and therefore useless as a specific legal statement. It would be the same as having a law that stated "*No Federal officer or employee will over exercise any supervision or control over the right or ability to breathe.*" That would be completely absurd, wouldn't it? It would. On the other hand, when a government puts IN WRITING that it forbids itself from interfering in the exercise of a profession; in particular, Medicine; it just SOUNDS SO GOOD that it gives one wood, even though it is an absurd lie.

So, now everyone is tranquil and feels safe against oppression because of section 1801. If one keeps reading Title XVIII, they would eventually get to section 1862 which reads as follows under sub-section (1) (A):

Notwithstanding any other provision of this title, no payment may be made under Part A or part B for any expenses incurred for items or services which, . . . are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.

Here, I get confused; very confused. The only people who can diagnose or treat illness or injury are medical doctors. (The word 'people' is underlines to emphasize it because there is a growing belief that *regulations and laws* are what diagnose and treat illnesses, since they are the "rules", when it is in fact people who diagnose and treat as well as write the regulations which we believe to be real people). *That* is already a fact and clearly understood even without the Medicare Law. Therefore, whatever a medical doctor does in order to diagnose or treat an illness or injury is already and intrinsically reasonable and necessary; *that's why they are doctors and went to medical school.* By definition and fact of reality, it is impossible for a medical doctor to do anything that it medically *unnecessary*, so this section 1862 is already sounding ridiculous. There is no such thing as "reasonable and necessary" as it applies to the practice of medicine outside of the world of medicine itself, unless someone were trying to set parameters to define, from a non-medical position, what is medically reasonable or necessary from some different point of view, like for example; for determining what or how much will be paid for the services of a doctor, who retains autonomy in

practice, but total financial dependence on the government granting it autonomy. A physician's fees have never been questioned, in fact to this very day; they've never even been defined. No one can say how much an appendectomy is worth or what an hour of a doctor's time is worth. In this law, however, the government IS declaring how much it will be willing to PAY for what a medical doctor does and under what conditions it will pay. In the regular world, these would be called the "terms of a contract", but that can't be the case here, right? First of all there is no contract between the government and doctors, so there cannot be any terms, second; the government does NOT PAY doctors for anything, technically. It provides medical insurance to its elderly which promises it will reimburse the CITIZEN for expenses incurred by receiving medical attention. The expense on the part of the Citizen is assumed and the governments forwards to the doctor, as a courtesy, the amount it is reimbursing the Citizen for, based on the terms and conditions of the contract between the government and its elderly (called Medicare), and where the government has stipulated to the Citizen that it will only reimburse them up to a certain amount (which insurance isn't supposed to do) and then set the value of that amount based on its own set of "medical necessity" rules. All of this is only as it relates to payments, mind you; the government cannot dictate or determine actual medical necessity, to do so would be to control the practice of medicine itself and it has already been established, clearly, that the government can't do that. This is so because we understood that we were promised as much in section 1801 and the very roots and foundations of democracy prohibit this from ever happening. Again, they are NOT controlling the practice of medicine; they are only *regulating* what and how much they will pay for the practice of medicine to be practiced on an American elderly person. Sarcasm aside, it is presently the year 2010. 99.8 cents out of every dollar that every doctor receives comes from an insurance company and in the case of the elderly, 100% of the doctor's income for practicing medicine on any elderly person comes from Medicare. The rest is simple addition; the practice of medicine is directly and knowingly affected and controlled by how much money is paid to its practitioners. If Medicare were to suddenly stop paying for Insulin for a person who is diabetic, then doctors will simply stop ordering it, what would be the point? The doctor would have to do it for FREE, forget about the fact that the patient actually needs the insulin. This is exercising control over the practice of medicine in the most profane of ways. All human behavior, regardless of right and wrong, can be manipulated by how much money is received for behaving a certain way. This makes section 1801 an ugly and deceitful lie and it turns our

government into the unthinkable. It defeats the purpose for which Medicare was established and it did one other thing. Slowly, over the last 20 years, their payment methods have affected every other private insurance company as a result; the doctor-patient relationship has ceased to be the primary and sacred premise of medicine and has given way to the power of money. This is simply sick and perverse. Don't tell me that the practice of medicine will be sacred and then change the way medical services are paid for. That is lying, period. Lying is fraud and fraud is illegal. This contradiction in Title XVIII invalidates every single Medicare Denial made and furthermore makes the denying of a claim for medically necessity reasons illegal and unconstitutional.

It also establishes that the very government that we created and empowered lied and will always do so in the worst possible way. Lying is simply not allowed. We allowed this one, however, and it became one of the principal contributors to the final period of decay and the collapse of what we have called "civilization" for the last 1,000 years.

Now, here's the surprise ending. None of this is the government's fault. Section 1862 was not part of the original Medicare law, it was added later. When the government passed Medicare, it realized that it did not know how run an insurance company, and Medicare is, in fact, an insurance plan. Subsequently the government did the only logical thing it could think of; *it turned the whole thing over to a private company: Blue Cross and Blue Shield*. They are the ones who shaped this lie. Don't take my word for it; look up federal contract #HCFA-001 and read it for yourselves.

And we worry about "socialism".

We can do better.