



Written by [Joe Wolverton, II, J.D.](#) on December 31, 2015

## Missouri Bill Blocks ObamaCare From Imposing Federal Medical Licensing Standards

A bill to be introduced during the 2016 legislative session in Missouri would protect the state's healthcare providers from having their licenses revoked by any competing controls that could be set in Washington, D.C.

House Bill 1682 — the [Medical Practice Freedom Act](#) — is sponsored by state representative Keith Frederick, a practicing orthopedic surgeon, and would keep standards for state medical licenses in the control of the government of the state of Missouri.



Specifically, the bill establishes that requirements for the issuance of state licenses for “physicians, chiropractors, optometrists, and dentists” will be “based on demonstrated skill and academic competence,” rather than relying on the requirements that might be mandated by future iterations of ObamaCare.

As the law exists today, the federal government cannot impose licensure requirements on the states, but given the climate of consolidation in the country, just such a scenario is predictable.

Additionally, such standards could be forced on the states as part of statutory qualifications for receiving Medicaid or ObamaCare funding in some forthcoming versions of those federal acts.

To his credit, representative Frederick wisely anticipates such abuse of state sovereignty by the federal government.

“The federal government wanted to force every state to expand Medicaid, so it’s not much of a stretch that they would then want to compel the medical workforce to provide the care that they have attempted to mandate,” Frederick said, as quoted by the Tenth Amendment Center. “This is surely an area where the right of the state should prevail and the 10th Amendment is our empowerment.”

Frederick’s bill is built on a solid foundation of the authority retained by the states to legislate in all areas not explicitly placed within federal power in the Constitution. The Tenth Amendment clearly affirms this authority: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Beyond being a constitutionally protected exercise of the “numerous and indefinite” powers which, according to James Madison in *Federalist*, No. 45, “are to remain in the state governments,” Frederick’s proposal is a rare example of preemptive nullification.

Typically, a state legislator reacts to an unconstitutional act of the federal government by filing a state measure aimed at invalidating the federal legislation. Frederick chose to be proactive in his posture against federal usurpation.



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In point of fact, acts of any branch of the federal government not authorized under the enumerated powers of the Constitution are “merely acts of usurpations” and deserve to be disregarded, ignored, and denied any legal effect.

More state legislators need to learn this. Familiarity with these facts is fundamental to a reclaiming of state authority and removing the threat to liberty posed by the centralization of power in the federal government.

Representative Frederick — and several state legislators of his same persuasion — see the writing on the wall and refuse to submit to the subjection of the states by power-hungry plutocrats on the Potomac.

Until the states reassert the sovereignty they theoretically retain, there will be no end to the demands being placed upon them by the federal government, and those demands will be more and more difficult to comply with and will thus justify increasing federal control over the apparatuses of state government, including the power to approve or reject applications for state licenses of any variety.

States are not left defenseless in the battle to fight the cancer of consolidation. There is a remedy — a remedy described by Thomas Jefferson as the “rightful remedy” — that can immediately retrench the federal government’s constant overreaching. This antidote can stop the poison of all unconstitutional federal acts and executive orders at the state borders and prevent them from working on the people.

The remedy for federal tyranny is nullification, and applying it liberally will leave our states and our nation healthier and happier.

While an overt act of statutory nullification of a constitutionally unauthorized federal “law” is commendable and is typically the tack taken by state lawmakers, strictly speaking, such a tactic is unnecessary.

Nullification of despotic acts of the federal government can occur through active acts passed by the state legislatures or through the simple refusal of those representatives or governors to obey unconstitutional directives handed down from Capitol Hill, the White House, or the Supreme Court.

Americans committed to the Constitution must walk the fences separating the federal and state governments, and they must keep the former from crossing into the territory of the latter. Keith Frederick is such an American, and his bill would keep the ObamaCare behemoth from invading the Show Me State.

The wisdom of our Founding Fathers — those who drafted the Constitution and those who ratified it — is displayed in the trust they placed in state representatives to recognize and resent attempts by agents of the central government to assume power not granted to them. Alexander Hamilton explained the basis of this distinction in *Federalist*, No. 28:

It may safely be received as an axiom in our political system, that the State governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be masked under pretenses so likely to escape the penetration of select bodies of men, as of the people at large. The legislatures will have better means of information. They can discover the danger at a distance; and possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in the different States, and unite their common forces for the protection of their



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common liberty.

Several states have bills pending before their state legislatures that would, to varying degrees, protect the common liberty of the citizens of their states by stopping enforcement of unconstitutional federal acts at the state borders.

The Missouri Medical Practice Freedom Act will be assigned to a committee when the state House of Representatives convenes in January.





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