

## Weight relief

### IRS creates good incentive for people to combat obesity

Obesity long has been known as America's silent epidemic. It appears no matter how many dire statistics are released about the health risks associated with being overweight, Americans refuse to treat the situation with the gravity that it deserves. But that may change this tax season — as the Internal Revenue Service has released a new policy that recognizes America's growing weight problem. In early April, the IRS announced that it would allow taxpayers to claim weight loss and weight control expenses as medical deductions. The ramifications of this action are potentially huge, because the IRS recognizes obesity as a disease rather than just a catalyst to other disorders. According to The Associated Press, this has opened the door for insurance companies and government programs, such as Medicare, to offer coverage for the treatment of obesity.

Critics say the ruling by the IRS is faulty because obesity is not a disease. Instead, they say obesity and being overweight are a result from a lack of self-control in an individual. But the health community disagrees. The International Classification of Diseases which is used by the United States Public Health Service and published by the World Health Organization lists obesity as a disease. The IRS used conclusions from the National Heart, Lung and Blood Institute to classify obesity as a disease in the revenue ruling that announced the policy.

If anything, the IRS policy does not go far enough in its coverage. According to the American Obesity Association, diet and low-fat foods will not be deductible under the new policy. The IRS argues that people have to pay for food anyway, regardless of whether they are trying to lose weight. But proper nutrition is essential when treating obesity. Another shortcoming is that weight loss that is for the purpose of improving the general health of an individual or for his or her sense of well being also does not fall under the new policy. And on this matter, the IRS has failed to develop an adequate argument to defend its position.

Despite these shortcomings, the ruling by the IRS is a positive action. Americans now have a pocketbook reason to lose those unnecessary pounds. Almost



COLLINS EZEANYIM

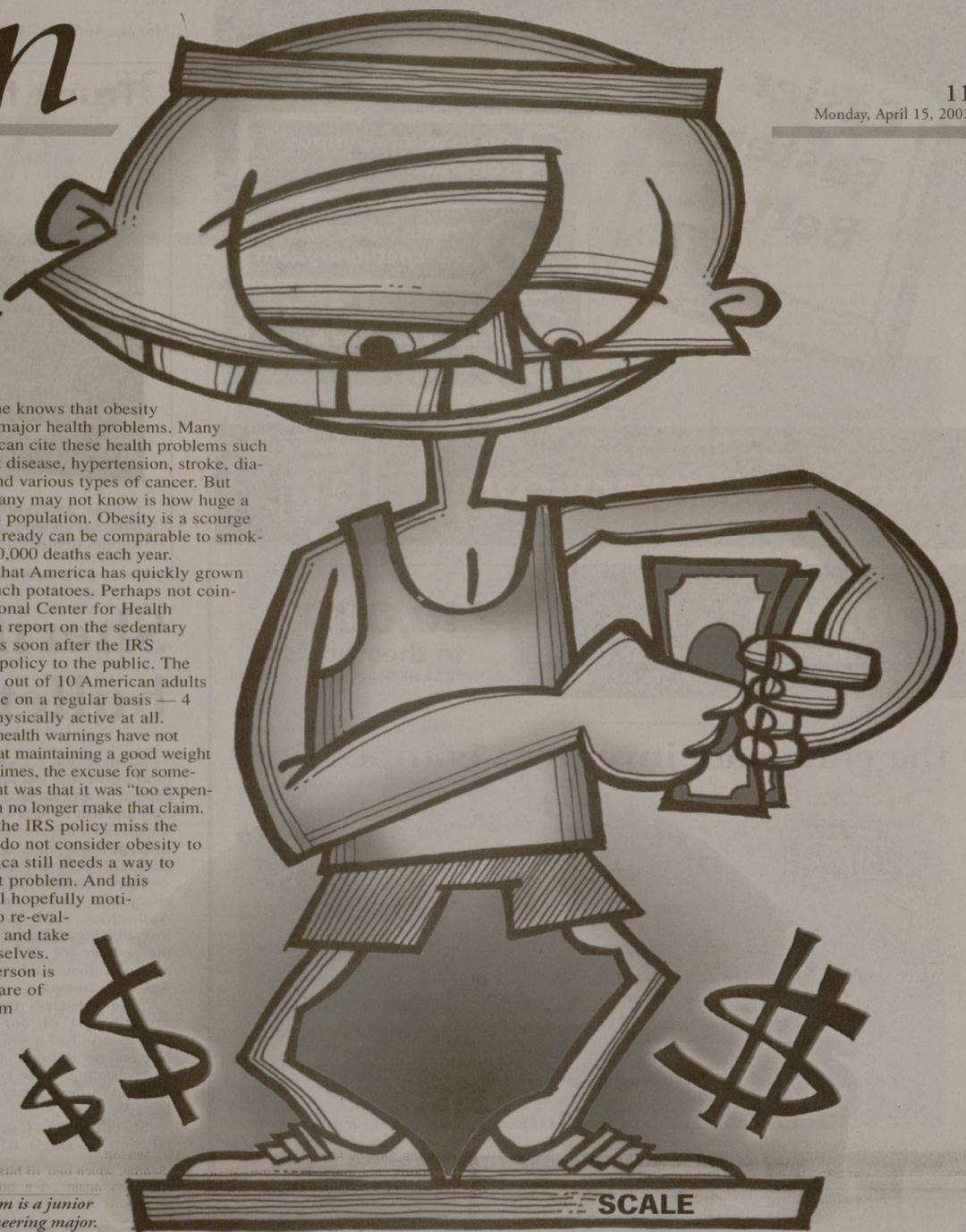
everyone knows that obesity causes major health problems. Many people can cite these health problems such as heart disease, hypertension, stroke, diabetes and various types of cancer. But what many may not know is how huge a toll they take on the population. Obesity is a scourge whose magnitude already can be comparable to smoking's — it causes 300,000 deaths each year.

The problem is that America has quickly grown into a nation of couch potatoes. Perhaps not coincidentally, the National Center for Health Statistics released a report on the sedentary nature of Americans soon after the IRS announced its new policy to the public. The report states only 3 out of 10 American adults are physically active on a regular basis — 4 out of 10 are not physically active at all.

All the previous health warnings have not convinced people that maintaining a good weight is important. Many times, the excuse for someone not losing weight was that it was "too expensive." Americans can no longer make that claim.

Thus, critics of the IRS policy miss the point. Even if they do not consider obesity to be a disease, America still needs a way to deal with its weight problem. And this new policy IRS will hopefully motivate some people to re-evaluate their priorities and take better care of themselves. Even if only one person is motivated to take care of their weight problem because of the new IRS policy, that is one more healthy individual.

Collins Ezeanyim is a junior computer engineering major.



CHAD MALLAM • THE BATTALION

## Maintain medical privacy



BRIENNE PORTER

Health and Human Services Secretary Tommy Thompson, announced recently the Bush administration's version of medical privacy rules. While the Bush plan retains many of the provisions that were in the Clinton plan, one alarming change in the plan is the lack of written patient consent for things such as medical marketing advertising and its removal of privacy protection for minors.

The medical privacy rules written during the Clinton era included a provision for patients to sign written consent forms before their medical records could be transferred to other health care professionals including other doctors, insurance companies and pharmacies. Critics of this plan argued that consent forms would cause problems for emergency care workers and pharmacies filling prescriptions over the telephone. While these are valid concerns, without consent forms, the door is open for non-authorized people to access a patient's medical records. In a *New York Times* article, former Health and Human Services Secretary Donna Shalala said, "any drug company can pay a pharmacy to mail information about a new drug to its customers, without their knowledge or consent. Even worse, there is no way for a patient to get off the mailing list — ever."

The new regulations have made it easier for

medical professionals to transfer documents to each other, but they also have allowed people outside the system, such as drug companies, to have access. The new regulations also allow medical researchers access to patient records without their knowledge. Instead of written consent forms, the Bush plan calls for medical professionals to inform the patients of their rights. However, it does not require that the patients are informed before record access is given. In addition, it does not require these professionals to inform patients exactly who has been allowed access to their medical records. This problem extends to the ability of the health and human services department to access

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medical records including case notes from psychotherapy sessions according to a *Rocky Mountain News* editorial. Medical records contain sensitive and personal material and patients should have complete control over who has access and uses the material outside necessary personnel.

Another problem with the Bush plan is the ability for parents to access their children's (minors) records. This regulation is for states that do not specifically prohibit this access. While this idea seems understandable and reasonable, there are

some unacceptable consequences. The regulation will allow parents to access material including information on mental illness treatment and treatment for other sensitive material like sexually transmitted infections. This regulation will cause problems for teenagers more than any other age group. According to *The Palm Beach Post* editorial, "Privacy advocates said that change would deter teenagers from seeking sensitive health services." A long-term outcome of this regulation could be an increase in untreated sexually transmitted infections among teenagers and the proliferation of untreated mental illness.

While the Bush plan is similar to the Clinton plan with many safeguards for medical privacy, these are two noticeable gaps in privacy protection. Restricting the use of written consent forms for the transfer of patient information allows for quicker treatment and less hassle for doctors, it also opens the door for many other questionable access to these sensitive documents. The Bush plan will also reduce privacy protection for minors from their parents, which could cause many medical problems to go untreated for the fear of their parents finding out about it. These consequences are unacceptable and the public needs to fight for their medical privacy.

Brienne Porter is a senior political science major.

## Death requests unnecessary

In March, death row inmate Rodolfo Hernandez made a last request for a prosthetic leg so he could walk to the death chamber. Many inmates make ridiculous requests while they await their execution and prisons should not grant death row inmates their last requests, regardless of the criminal's need.

Hernandez was given the death penalty for allegedly robbing and shooting five illegal immigrants from Mexico in 1985. Although he was identified by the victims, Hernandez still claimed his innocence. While in prison, Hernandez's left leg was amputated due to diabetes complications. Hernandez's request was not granted because he had an infection in his leg that prohibited him from being fitted for a prosthetic leg. But Hernandez said prison officials refused to give him the leg because it was too expensive.

Naturally, cost is an important consideration when prisoners make a death request. In Hernandez's case, the prosthetic leg he wanted was valued at \$15,000. The artificial limb was more costly than normal because his leg had been amputated above the knee. To grant a prisoner a leg that will only be used as he walks to his death is a waste of taxpayers' money. There are many other costs that need to be paid and filling requests for dying criminals should be at the bottom of the list.

American citizens should not have to pay to give a convicted criminal a last request. When someone commits a crime, especially one serious enough to receive the death penalty, they should lose all rights to any kind of luxury or demand outside of basic survival necessities.

If a person wants to practice their rights to their full ability, then they should live as a law-abiding citizen. Prisons should not be expected or allowed to play "Santa" for inmates. Hernandez



ANDI BACA

was angered that he would not receive a prosthetic leg. According to MSNBC, he said, "I am still hoping and praying for my leg or something to walk with to help me get to that guerny if they do execute me." Hernandez expects his request will

be filled, but a man being put to death is not enough reason to fill an unnecessary request. Compared to other countries, America is considerably lenient on its criminals when it should not be. Human Rights Watch reported that prisons in Cuba use physical violence and meager food rations to control inmates. Cuban prisons also restrict inmates' religious freedom. In Colombia, prisoners suffer from food and water shortages and receive little medical care. Granting inmates requests makes American prisons a five-star resort for criminals.

Many people believe that a dying man should have a last request — the system owes it to him. However, this feeling is probably not shared by family and friends of the victims, who live with the loss of their loved ones everyday. Hernandez was granted a 30-day reprieve by Gov. Rick Perry because he might have been involved in several other murders in San Antonio. Authorities are trying to link him to other murders, consequently if evidence proves he is a repeated offender, he definitely does not deserve a reward.

Prisoners who receive the death penalty should not be given any death requests. A criminal gave up his rights when he committed the crime, therefore he does not deserve the same liberties as good, law abiding citizens.

Andi Baca is a senior journalism major.

### MAIL CALL

#### Protests are a step in the right direction

In response Christina Hoffman's April 11 article:

Many people feel that we cannot deal with terrorists in a peaceful manner, because terrorists "are willing to kill innocent men, women and children to accomplish their goals." While I agree that terrorists should be dealt with a strong hand, there is

no justification for taking lives of innocent civilians in response to terrorist's actions. Terrorism cannot be an answer to terrorism. It is only going to fuel hatred among those surviving and they are going to continue to respond with terrorism.

Jones said "certain Muslims hate us and respond by blowing up anything American." Has he ever stopped to think why those Muslims hate the U.S. in the first place? Decades of imperialistic policies, economic and military

subjugation by the western powers cannot simply be wished away.

America must take a hard look at its foreign policy and stop being hypocritical when it comes to dealing with terrorism, human rights and democracy. One cannot have different yardsticks for different countries depending on whether they are your allies or not.

Vinod Srinivasan Graduate Student