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Halacha – Jewish Law

QUESTION: The following question is pertinent to

many doctors that accept insurance company payments. The insurance company requires that the doctor charges the patient a copayment that typically ranges from \$25 to \$30. Requiring a copayment (which the doctor keeps) is a practice instituted by the insurance company to help ensure that people go to the doctor when they really need to and not whenever they feel like it, which may occur if a visit to the doctor was completely free.

However, If the doctor has patients that cannot afford the copayment, may the doctor forgo the payment in those cases?

ANSWER: If the doctor's agreement with the insurance company specifically requires collecting copayments from all patients, then forgoing them could potentially violate contractual obligations and involve elements of deception (Genaivas Daas) and possible theft from the insurance company. The prohibition against deception is codified in Shulchan Aruch Choshen Mishpat 228:6.

On the other hand, there are studies that show that copayments can cause families and patients to compromise medical care and not seek treatment for medical conditions that require it. This possibly conflicts with the very reason that a doctor entered the field of medicine to begin with. The obligation to heal is a Mitzvah and is derived from the Passuk, "...and you shall restore it to him." (Devarim 22:2), which Chazal interpret as including the Mitzvah to heal (Bava Kamma 81b). Further, the Shulchan Aruch states that a doctor is obligated to heal and that one who does not do so is likened to one who sheds blood. (Yoreh Deah 336:1)

Accordingly, it would appear that foregoing a copayment for indigent individuals who otherwise would not go to the doctor would be permitted. However, an effort to live

up to the contract that the doctor has with the insurance company and mitigate the concerns of possible theft and Geneivas Daas must still be made.

One possibility is to have the doctor instruct his staff to keep an envelope of petty cash in the desk and actually loan the money to the indigent patient by transferring the money from the petty cash envelope and placing it in the client's folder, writing down the loan and the name of the patient. Then, sometime in the future, the doctor can forgo the loan if the patient is still not in a position to pay. In this scenario, the doctor is still charging the patient and collecting the copayment even if he may not ultimately receive the money. In such a scenario, at least the doctor is complying with the words of the insurance contract even if he is not complying with the spirit of it.

Chizuk - Inspiration

A great Rabbi shared with his students an incident from his younger years that he deeply regretted, transforming his personal mistake into a profound teaching moment. His car had been involved in an accident, and his insurance policy carried a substantial deductible that he would be required to pay the mechanic out of pocket. When he brought the vehicle to be repaired, the mechanic said that he would "pad the estimate" beyond the actual repair costs and assured the Rabbi that because he would be receiving extra money from the insurance company, the Rabbi would not have to pay him the deductible.

The great Rabbi explained that he always regretted not speaking up to prevent or distance himself from this scheme. He noted that the consequences of this moral compromise manifested itself with startling swiftness and precision. Within a short time after the incident, the Rabbi said that he suffered a bizarre and unexpected financial loss. The amount of this loss was equivalent to the exact sum of the insurance deductible that he had avoided

paying through the mechanic's dishonest scheme.

He further explained to his students that this experience left an indelible impression on him. He deeply regretted his silence in the face of the mechanic's dishonesty, recognizing that his failure to object had made him complicit in the deception. However, he was profoundly grateful to Hashem for the swift correction that prevented him from ultimately benefiting from a gain that was not rightfully his.

On The Parsha

"And when you (Moshe) have seen it (Ertez Yisrael), you too will be gathered to your people (pass away), just as Aharon your brother was gathered." (Bamidbar 27:13)

Rashi, citing a Medrash, says that when the Passuk above says that Moshe would die like Aharon, we learn that Moshe yearned for a death like Aharon's. The Medrash, in its second explanation, says that wherever their (Bnei Yisrael's) death is mentioned in the Torah, their sin on what caused them to die is also mentioned. Since the sin that was mentioned as the cause that a generation of Bnei Yisrael would die in the wilderness was their sin of not having faith on some level in Hashem by the sin of the golden calf, Moshe requested that when his death in the Torah is mentioned, that the sin that caused him to die be mentioned as well. He insisted on this so that it would not be said that he, too, was among those who died because he lacked faith on some level by the sin of the golden calf.

Why would Moshe want his sin (of hitting the rock rather than speaking to it) to be called out? The Medrash above says that the reason is so others would not say he died for the same reason as the rest of the generation, but who would honestly think that about Moshe? Perhaps a few, small minded people of low character might think that of him, but the vast majority would not.

We can learn two important lessons from Moshe's behavior. The first is that we must all have the courage to own our own failings. Even one as great as Moshe, admitted and wanted recorded in the Torah for all time, a failing of his.

The second lesson to be learned, is that we must be wary of even small possibilities of Chillul Hashem. Moshe was

worried that if anyone would say that he passed away for the same reason as the rest of the generation (lack of faith in Hashem by the sin of the golden calf) then that would be a Chillul Hashem that cannot be allowed to happen, even if only a few people may say that about him. Accordingly, he humbly admitted and insisted on recording his less severe sin so that no Chillul Hashem would ensue.

There is a concept known as "too big to fail" – that certain people should not admit their mistakes because what will people think of them and the ideals that they stand for? In other words, there is too much risk that if people who have grown too big and are now admired by so many, admit that they are fallible, then people will begin to doubt them and the ideals that they stand for. We see from Moshe who was as big as they come, that one must admit one's mistakes and especially when it comes to preventing a Chillul Hashem.

When we are honest about our own shortcomings, we can create a more forgiving environment where others feel safe to acknowledge their own shortcomings. This leads to its own type of Kiddush Hashem as it shows the world that Torah and its lifestyle produce people of genuine integrity who care more about truth than about their own reputations.

*"May I back out of a school carpool that
I have already committed to?"
"Should I report a co-worker who is acting dishonestly?"*

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