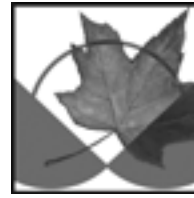


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Private clinics court challenge threatens health care for all Canadians: report

OTTAWA—As early as November 2015, the British Columbia Supreme Court will begin hearing a challenge to the provincial Medicare Protection Act (MPA) that, if successful, will impact all Canadians in every province and territory, says a report released today by the Canadian Centre for Policy Alternatives (CCPA).

The report, by CCPA research associate Colleen Fuller, examines recent attempts by private sector advocates to challenge the right to universal public health care in the courts, with a focus on the current Charter challenge before the B.C. Supreme Court, led by Brian Day's Cambie Surgeries Corporation. It reviews the evidence on the impact of for-profit providers and payers on wait times and looks at the potential consequences a successful bid could have on Canada's most valued and cherished public program.

"This is not the first or only Charter challenge to provincial and federal medicare laws," says Fuller. "However, it poses the most serious threat to the principles of equality and universality that Canada's public health care system is built upon."

According to the report, the plaintiffs in Cambie Surgeries Corporation et al. v. Medical Services Commission et al. hope to build on the 2005 Chaoulli case, which challenged Quebec's ban on private insurance for medically necessary care. But the B.C. Charter case is a much broader challenge, seeking to eliminate the ban on extra-billing and user fees as well as B.C.'s ban on private insurance for services covered by public health insurance.

"The plaintiffs are asking the Court to legalize extra-billing, user fees and private insurance. If they are successful, it will affect the ability of the Canada Health Act and every provincial health insurance plan to allocate access to physician and hospital services according to need rather than ability to pay," Fuller explains.

"Stripped of these regulatory pillars, Canadians can expect to pay more out of pocket for health care whether or not they are privately insured."

The plaintiffs argue that if two-tier care is allowed, wait times will improve. However, the report demonstrates that countries with a two-tier or multi-tier health care system do not experience shorter wait times due to the participation of a parallel private tier. In fact, private payment options increase wait times for those who rely on the public system and increase costs overall while providing poorer patient outcomes.

In Canada, private insurance is an unlikely option for the vast majority of people. It is doubtful employer-sponsored health benefit plans will be able to support additional costs associated with the provision of private services. Employers looking to control costs have already cancelled or reduced benefits for hundreds of thousands of working people in Canada, including retirees.

"Public opinion research has shown that people across the country support innovation in the public health care system designed to enhance access and reduce wait times. Governments have had strong support for positive, public reforms since medicare was first introduced. It is time for them to act on this mandate," concludes Fuller.

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Cambie Corp. Goes to Court: The Legal Assault on Universal Health Care is available on the CCPA website: <http://policyalternatives.ca>

For more information contact Kerri-Anne Finn, CCPA Senior Communications Officer, at 613-563-1341 x306 or 613-266-9491.