

Backgrounder & Update Cambie Corp. vs B.C.

Our public health care system is on trial and at risk

Dr. Brian Day, the for-profit clinic owner of Cambie Surgery Centre in Vancouver, whose clinics overbilled patients almost half a million dollars in just 30 days, has launched a constitutional challenge against our public health care system.



Specifically, Day is asking the court to change our health care laws in two fundamental ways:

1. He wants the court to allow all doctors to charge patients unlimited amounts for all procedures and services, from routine check-ups to hip surgeries.
2. The second thing Brian Day wants the courts to do is to allow parallel private health insurance. This would also represent a massive change to our system: putting private insurance companies in the position to deny patients coverage for medically necessary services like visits to the emergency room or cancer treatment.

If Brian Day wins, many Canadians won't be able to afford health care and most of us will have to wait longer for treatment - while the very wealthy pay to jump ahead in line.

Parties in the case are calling this one of the most significant constitutional challenges in Canadian history. Our legal team believes the BC case is most likely to proceed to the Supreme Court of Canada – so this case is **important to everyone in Canada.**

Date trial started: September 6, 2016 in B.C. Supreme Court

As of March 2017 (Day 78 of the trial):

There had been 42 witnesses on the stand. This included patient witnesses, expert witnesses and lay witnesses (surgeons, doctors, ministry staff etc. who spoke of their experiences). The plaintiffs' current witness list could include up to about another 50 people.

Adjournment (April 2017 – Fall 2017):

On April 10, 2017 the judge granted an adjournment of the trial until October 30, 2017.

The media reported that the adjournment was because Day's team has run out of money. Whether that may or may not be true, the Defendants (B.C.) stated in March that they were going to submit what they referred to as the "abuse of process application," calling for an adjournment in order that the Plaintiffs (Cambie) get their documentation and witness lists in order before the rest of the trial continued. This is the primary purpose of the adjournment.

The hope is that once the trial starts again in the fall, the proceedings will go as smoothly and quickly as possible.

Weeks of testimony remaining (times listed are approximate and would be the number of weeks actually active in the courtroom (ie doesn't include breaks or "off" weeks). Listed in order:

1. Completion of Plaintiffs' case: 6 additional weeks
2. Anaesthesiologist Opening and Patient Intervenors: 1 week
3. Canada Opening and Expert witness: 1 week
4. Coalition Intervenors: 3 days
5. BC: 6 weeks

Coalition Intervenors: Our Role

The BC Health Coalition and Canadian Doctors for Medicare applied for, and won, intervenor status in this case. This means that we are able to fight to protect our public health care system in court by participating directly in the case.

Our role in the trial is to make sure that all the benefits of medicare and all the dangers of increased privatization (and loss of the current legislation) are not overlooked, especially in regards to equity of care and access for all British Columbians/Canadians. It is important to participate fully in the trial at the provincial Supreme Court level to ensure the case for public health care is as robust as possible. Once this case is appealed to the Canadian Supreme Court level (which is almost assuredly will be), only the evidence presented now will be allowed.

Why the outcome is so important

If Dr. Day wins, this case will open the floodgates to a US-style system that relies on private insurance and allows providers to set any price on care, based on what the market will allow.

Canada's universal public health care system provides a multitude of advantages to individuals, employers and the economy as a whole. People in Canada are able to access care based on need, not income. Employers bear only a fraction of health insurance costs for employees, and our overall system has very low administration costs.

Are there challenges that need to be addressed within the public system?

Absolutely. But, we need improvements to our system that benefit everyone, not just the privileged few.

There are evidence-based public solutions that would make our system more efficient without compromising our values of fairness and of good care for all, regardless of income. Evidence shows that the kind of system that Day wants would make wait times longer for most people, and would allow large medical and insurance companies to line their pockets at the expense of people in pain.

Together, we won the fight to get medicare in the first place. We can win the fight to keep it. We are grateful to be working alongside many individuals and organizations to do just that. Let's win this case and get on with our work of strengthening a system that reflects our values, one that we can be proud of as an expression of how we care for one another.

You can keep up-to-date on the trial, or donate to the Legal Defense Fund on our case website: www.savemedicare.ca. The blog at the bottom of the home page lists what is generally happening in the courtroom.