

# Dr. Profit's Trial Against Medicare



by Michael Butler



Public health care supporters rallied outside the B.C. Supreme Court as Dr. Brian Day's case against medicare got underway.

In September, medicare in Canada was put on trial as Dr. Brian Day's lawsuit against the B.C. Ministry of Health got underway at the province's Supreme Court. The outcome will have national implications for Canada's universal, public health care system.

Dr. Brian Day launched his lawsuit in July 2012, claiming that British Columbia's ban on the purchase of private insurance for medically necessary services already covered by the public system is a violation of Section 7 of the Canadian Charter of Rights and Freedoms. Dr. Day argues that if you have money, you should have the right to buy your way to the front of the line.

The Council of Canadians organized a rally outside the B.C. Supreme Court on the first day of the hearing involving health care practitioners and researchers, trade union leaders and concerned Canadians. As Dr. Day, who is known to many as "Dr. Profit," attempted to dismantle medicare, the Council of Canadians was there to raise awareness and show solid public support for a public system.

Dr. Day, propped up by a right-wing, Calgary-based lobby group with close ties to former prime minister Stephen Harper and other corporate interests, pretends this case is about health care. "Although [Day] argues that he's fighting for patients and the right of patients to pay, he's actually fighting for the right of doctors to charge,"

explained Colleen Fuller of the Independent Patient Voices Network.

Here are 6 things you need to know about Dr. Profit's challenge to public health care:

**1** This case is the greatest threat to medicare in a generation. This case isn't about improving health care; it's about money and greed. Dr. Day is using misinformation and the courts to force in a two-tiered, U.S.-style system.

**2** Polls show Canadians strongly support medicare and its core principle that health care should be provided on the basis of need, and not the ability to pay. While there are real challenges in our universal public health care system, we need to modernize it, not privatize it. What Dr. Day wants is against the Canada Health Act and its principles of universality and equity. The costly queue-jumping he is advocating doesn't benefit everyday Canadians. It would allow some people to pay for their health care while taking away doctors from the public system.

**3** Dr. Day says patients – and doctors – should have a choice. But doctors already have the freedom to opt out of the public system. What Dr. Profit actually wants is to be able to charge an unlimited amount for his services and then also charge the government (and taxpayers) for it. This is what the case is really about.

**4** Dr. Profit's clinics – the private Cambie Surgery Centre and the Specialist Referral Clinic – were caught extra-billing and double-billing. A 2012 audit conducted by the B.C. government found that in just one month, Dr. Day's clinic had illegally billed patients close to \$500,000, including \$66,734 in overlapping claims where Day billed both the patient and the province.

**5** Evidence from around the world shows private clinics erode public health care and increase wait times. It has been shown that wait times are highest in Canada in areas with the most privatization because these clinics poach doctors, nurses and resources from the public system. Private clinics also "cherry pick" their patients and leave patients with more complex cases to the public system.

**6** A study of more than 1,000 Workers Compensation Board patients in British Columbia showed that not only is private health care more expensive, it does not improve return to work times. (Patients in the public system did marginally better and for a fraction of the cost.)

The Council of Canadians is part of a broad coalition of groups supporting public health care and working to stop Dr. Day and his plan to bring U.S.-style two-tiered health care to Canada.

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