

NEWS RELEASE



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Illegal health billing – Patients file new court action against Victoria

A group of patients who were illegally charged extra fees for services that are covered under public health insurance today filed a new legal action in BC Supreme Court against the provincial government.

The patients want the Court to order the government to enforce its own laws intended to protect patients from extra billing by doctors and clinics for services that are covered by public health insurance.

The action is the latest step in an on-going legal effort initiated by the BC Nurses' Union in 2005. The sides argued parts of the case in court in October 2007. Last spring BC Supreme Court Justice Kelleher ruled the union had presented a serious case and that it would be best presented in court in a case filed by individual patients.

"We're supporting these patients because we believe British Columbians and all Canadians have the right to receive timely healthcare services under medicare without being forced to pay facility fees or user charges to receive that care," says BCNU President Debra McPherson. "We applaud the patients' courage in taking this case forward to try to hold the government to account for allowing our public healthcare system to be eroded by illegal billing for medicare services."

The patients were all assessed fees by private surgery clinics and medical specialists for medically-necessary services. In one case a patient paid \$6000 for medically-necessary nasal surgery, while her surgeon was paid by the Medical Services Plan. Another patient paid \$450 for a quick appointment with a specialist at a private clinic after the same specialist told her a normal appointment would require a wait of six months. Both instances are prohibited by BC's Medicare Protection Act and the Canada Health Act.

Last month BCNU released documents obtained in preparation for the case under the Freedom of Information Act. The documents showed the government's policy - adopted in 2004 - was to request refunds from physicians, suggest patients request refunds themselves, but to take no further action if the request was refused or ignored. In only one of the cases cited in the court action were the illegal fees refunded to the patient.

Other documents confirm the government has developed a hands-off attitude toward unlawful health billing. They show that in calculating the extent of extra billing in BC and reporting it to Health Canada as required under the Canada Health Act, the government does not investigate cases reported in the news media, cases that come to the Ministry's attention other than through direct complaints, even if disclosed by physicians during investigations, or public statements by private clinic owners or medical directors acknowledging extra-billing.

British Columbia Nurses' Union

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