



# Press Release

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## BC Government faces stark choice on health care

***Doctors and health care advocates call for decisive action against over-billing of patients at two Vancouver private clinics, say unlawful billing could be in the millions***

Vancouver - The BC Government is about to make a decision that will send a clear message to patients about whether or not they are protected by public health care law. The province is currently negotiating a settlement with Cambie Surgery Corporation owner Dr. Brian Day. The outcome of that negotiation will determine the future of Medicare in BC.

Day was preparing to put BC health care law on trial this year via a constitutional challenge in BC Supreme Court. Day launched the challenge after the Medical Services Commission announced it would fully audit his clinics' financial records. Just days before the case was set to go to trial, Day's legal team requested a delay in order to negotiate a deal with the province.

A partial audit in 2012 revealed that Day's clinics unlawfully billed patients \$491,654 in about a 30-day period. Following that audit, the clinics were ordered to stop breaking the law, but refused. Until now, Brian Day has used the constitutional challenge he launched against provincial public health care law as a way to avoid consequences for breaking that same law. Now that a resolution to the case is being negotiated, the BC government faces a critical fork in the road.

The BC Health Coalition (BCHC) and Canadian Doctors for Medicare (CDM), who are interveners in the legal challenge, say the province must actively enforce the law and ensure there is restitution for patients who have been overbilled.

“If the 2012 audit results are any indication of the extent to which patients and the public purse are being overbilled, these two clinics could have overcharged patients millions by now,” says Dr. Vanessa Brcic of Canadian Doctors for Medicare. “We need further auditing to get to the bottom of these violations.”

Outside of Cambie Clinic today, representatives from the BCHC and CDM called for BC to take a number of steps outlined in a letter to the province.

“In order to protect patients from unlawful billing practices, the BC government must hold the clinics and those practicing there accountable for violating the law that protects a healthcare system based on need, not ability to pay,” said lawyer Steven Shrybman, a partner at Sack Goldblatt Mitchell, who is acting for the BCHC and CDM in the court challenge.

Shrybman says that if Dr. Day faces a little or no meaningful penalty for flaunting the Medicare Protection Act, it may encourage other for-profit health care operators to see how much they can get away with. It will also send a message to patients that they cannot rely on those in government who are responsible for defending the medicare system.

“Day has shown that there is a lot of money to be made by flouting Canada’s health care laws.” says, BC Health Coalition co-chair Edith MacHattie. “BC has to decide if it wants to impose penalties big enough to deter that gamble.”

BC Health Minister Terry Lake will be meeting with his counterparts from across the country tomorrow in Banff. Provinces across Canada have a lot at stake in seeing the B.C. Health Minister hang tough on the Medicare court challenge. If BC wavers, other provinces may see increased health care costs and their citizens could face decreased access to health services as for-profit healthcare corporations seize the opportunity to charge user fees on surgeries, diagnostics and other procedures.

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BC Health Coalition’s and Canadian Doctors for Medicare’s letter to the BC Government outlining actions that must be taken to crack down on clinics: <http://www.bchealthcoalition.ca/what-you-can-do/save-medicare-against-days-constitutional-challenge/our-response-cambie-case>

Click here to access the MSC audit report

(<http://www.health.gov.bc.ca/msp/legislation/pdf/srccsc-audit-report-2012.pdf>)

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