

TABLE 3  
ALLEGED VIOLATIONS OF THE CANADA HEALTH ACT SUBJECT TO DISCRETIONARY  
ENFORCEMENT MECHANISM AND FEDERAL RESPONSE<sup>44</sup>

Date	Alleged Violation	National Standard	Violating Province	Public Federal Response
23/05/84	Mr. Bill Blaikie (Winnipeg-Birds Hill, NDP) presents a petition by several hundred northern Ontario residents who must travel to Toronto and Winnipeg to receive medical treatment each year. They call upon the government to uphold the <i>CHA</i> . <sup>45</sup>	Accessibility	Ontario, Manitoba	No action
21/05/87	Hon. Lloyd Axworthy (Winnipeg - Fort Garry, Lib) notes the Alberta government's intention to eliminate the coverage of podiatry treatment by medicare and expresses concern that elderly people will suffer. <sup>46</sup>	Comprehensiveness	Alberta	No action
09/02/88	Women in B.C are forced to pay for their own abortions even if a fetus is severely deformed, as B.C. covers only those abortions where the mother's life is in danger. NDP health critic Marion Dewar asks the federal government to penalize B.C. <sup>47</sup>	Comprehensiveness	B.C.	Federal health minister Jake Epp says he lacks the power to decide that abortions are "medically necessary" under the <i>CHA</i> . <sup>48</sup>

17/03/88	Ms. Marion Dewar (Hamilton Mountain, NDP) claims that the removal of insured coverage for certain health services such as abortion is a threat to the principles underlying the <i>CHA</i> , and calls on the Minister of Health and Welfare to act to ensure accessibility to medicare. <sup>49</sup>	Comprehensiveness	All	Mr. Pierre H. Vincent (Parliamentary Secretary to Minister of Finance) promises close monitoring of developments in abortion services, and notes that the “determination of reasonable access must take into consideration all aspects related to the provision and delivery of any insured health service by a province. This could include an examination and understanding of provincial health delivery resources, facilities, personnel, as well as a recognition of factors, <i>i.e.</i> , geography, that may set practical limits on what health services are provided where.” <sup>50</sup>
31/03/88	Quebec refuses to join agreement between all provinces that ensures medicare coverage for out-of-province care. <sup>51</sup>	Portability	Quebec	Federal health minister Jake Epp, although aware that Quebec is in violation of the <i>CHA</i> , seeks a “negotiated compromise with Quebec centring on the core of the problem, which is Ottawa-Hull.” The government is said to want to avoid “ruffling Quebec’s feathers.” The province’s insurance board is expected to allow Hull doctors to refer patients to Ottawa doctors who will be compensated by OHIP. <sup>52</sup>

28/05/90	During consideration of Bill C-69, an act to amend certain statutes to enable restraint of government expenditures, Mr. Rod Laporte (Moose Jaw - Lake Centre, NDP) recounts the story of the Attfields, a family from Lanigan, Saskatchewan. Mrs. Attfield's husband Kevin had bone cancer and needed a transplant, but cuts forced Princess Margaret Hospital in Toronto to cancel ten transplants, and he died before he could be treated. <sup>53</sup>	Accessibility	All	No action
02/12/91	Mr. Brian L. Gardiner (Prince George - Bulkley Valley, NDP) tells of his father having to go to Seattle to get cancer treatment due to insufficient resources or facilities in Canada. <sup>54</sup>	Accessibility	All	No action
01/05/92	Quebec cuts out-of-country medicare coverage to \$480 per day for hospital costs and \$50 for medical expenses. <sup>55</sup>	Portability	Quebec	No action
02/06/92	Ms. Dawn Black (New Westminster - Burnaby, NDP) notes that 1400 abortions are performed on Canadian women in U.S. border states due to lack of access in parts of Canada. She calls on the health minister to make RU-486 available in Canada. <sup>56</sup>	Accessibility	All	No action
23/01/94	B.C. refuses to cover those who don't pay medicare premiums. <sup>57</sup>	Universality	B.C.	No action

15/02/94	Ontario and Quebec negotiate to give Quebecers full medical coverage in Ontario. Critics charge that Quebec has been in contravention of the <i>CHA</i> since 1988, when every province except for Quebec agreed to reciprocal coverage. <sup>58</sup>	Portability	Quebec	No action
11/05/94	Mr. Dick Harris (Prince George - Bulkley Valley, Ref) notes that Mrs. Helga Lopp of Prince George, B.C. had been waiting for over two years for “vital operation to cure a life-threatening condition” but cutbacks resulted in a backlog of over 300 patients. <sup>59</sup>	Accessibility	B.C.	Hon. Diane Marleau says that “the principles and the values of the <i>Canada Health Act</i> will prevail. I do not believe that any Canadian whose life is threatened imminently has had to wait for two years for surgery.” <sup>60</sup>
18/05/94	Canadian Snowbird Association threatens Ontario government with lawsuit over plan to cut out-of-country hospital stay coverage from \$400 to \$100 a day. <sup>61</sup>	Portability	Ontario	On 30 June 1994, Diane Marleau requests delay in plan until after federal -provincial talks in September; Ontario refuses. <sup>62</sup>
01/07/94	OHIP cuts to out-of-country coverage take effect. <sup>63</sup>			
17/08/94	Canadian Snowbird Association launches lawsuit against Ontario. <sup>64, 65</sup>			Marleau says there is nothing the federal government can do. <sup>66,67</sup>
23/09/95	Three provinces refuse to pay for out-of-country medical expenses.	Portability	Alberta, B.C., Saskatchewan	Marleau begins an investigation. <sup>68</sup>

10/06/94	Mr. Grant Hill (Macleod, Ref) raises the issue of a 42 month waiting list for cataract surgery in Ontario (4,662 patients waiting) and asks how this was reasonable access <sup>69</sup>	Accessibility	Ontario	Diane Marleau responds: “We continue to work with the provinces. As a matter of fact, one of the things we did in the last budget was maintain transfer payments in health to give an indication of our commitment toward the funding of proper health care services in the provinces.” <sup>70</sup>
04/04/95	Mr. Grant Hill (Macleod, Ref) makes reference to lack of reasonable access to hip replacement in Manitoba (60 week wait), cataract surgery in Saskatchewan (30 week wait), hernia surgery in Quebec (1,460 patient list) and to user fees for stitches, anaesthetic, and syringes at Eastern Kings Memorial Hospital in Nova Scotia. <sup>71</sup>	Accessibility	Manitoba, Saskatchewan, Quebec, Nova Scotia	Hon. Diane Marleau (Minister of Health, Lib) replies that while “there are pressures from time to time in different areas,” “the <i>Canada Health Act</i> ensures that these pressures are addressed by the individual provinces.” Furthermore, she refers to her 6 January 1995 letter to all provinces describing the federal government’s position on user fees and the <i>CHA</i> , and says that medical necessity “has been defined by medical associations, provincial governments and in some cases the courts.” <sup>72</sup>

18/10/95	Miss Deborah Grey (Beaver River, Ref) expresses concern about waiting lists of 61 weeks for hip replacement in Manitoba, 44 days for breast cancer radiation treatment in Ontario, and a 1,200 person heart bypass waiting list in Ontario. <sup>73</sup>	Accessibility	Manitoba, Ontario	Diane Marleau says that Ontario announced a transfer of more money into the breast cancer treatment area in order to reduce the waiting time. <sup>74</sup>
29/10/96	The Canadian Snowbird Association files a lawsuit against the B.C. government for cutbacks in out-of-country medicare coverage. <sup>75</sup>	Portability	B.C.	No action
14/08/97	Snowbirds call on Health Canada to enforce portability of <i>CHA</i> after losing court battle over B.C.'s \$75 out-of-country hospital expense limit. <sup>76,77</sup>	Portability	B.C.	No action
09/11/96	Alberta hospitals refuse dialysis to visitors from other provinces, citing cutbacks in medicare for giving priority to Albertans. Private clinics step in to offer these service. <sup>78</sup>	Portability, Accessibility	Alberta	No action
15/01/97	Alberta refuses to pay more than \$100 per day plus doctors' fees for premature baby born and hospitalized in Nebraska. <sup>79</sup>	Portability	Alberta	No action
23/05/97	Halifax couple in court battle to get province to pay for in-vitro fertilization and embryo transplantation claims they were offered \$25,000 to keep quiet. <sup>80</sup>	Comprehensiveness	Nova Scotia	No action

10/09/97	Blue Jays player Ed Sprague, an American covered by private insurance, gets MRI within 24 hours of a shoulder injury, while OHIP patients wait for months. Provincial Liberal health critic Gerard Kennedy claims <i>CHA</i> violation. Provincial Health Minister Jim Wilson disagrees. <sup>81</sup>	Accessibility	Ontario	No action
16/11/97	Howard Gimbel continues to charge out-of-province patients direct fees for cataract surgery. <sup>82</sup>	Portability	Alberta	No action
27/03/98	Alberta forces residents who opt out of medicare to do so for a full benefit year rather than restoring medical coverage immediately when an individual resumes paying premiums. <sup>83</sup>	Universality	Alberta	No action
03/04/99	Class action certification denied to family of a 5-year-old autistic boy who launched a lawsuit against the B.C. government for refusal to cover costs of intensive therapy program, allegedly in violation of the <i>CHA</i> . B.C. Supreme Court ruled that a single claim would be more efficient. <sup>84</sup>	Comprehensiveness	B.C.	No action
12/06/99	Ottawa doctor Charles Shaver “crusades” to have the federal government enforce the portability principle of the <i>CHA</i> against Quebec, which refuses, <i>inter alia</i> , to pay the difference between its hospital daily rates and those of other provinces. <sup>85</sup>	Portability	Quebec	No action

07/08/99	Severe staff shortages prompt Montreal hospitals to urge patients to stay away unless they have life threatening injuries. Universal access to health care is allegedly threatened. <sup>86</sup>	Accessibility	Quebec	No action
10/05/00	Bill 11 is passed by the Alberta legislature.	Extra-billing, Accessibility	Alberta	The following day, Allan Rock tells the House of Commons: “We are therefore serving notice today that we will monitor closely what may happen on the ground in private for profit facilities permitted under Bill 11 to ensure that queue jumping and other accessibility issues do not arise.” <sup>87</sup>