

# Ontario Health Coalition

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## Save Public Medicare! Information

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For Immediate Release*

### **Two-Tier Clinics Contravene Canada Health Act and Ontario Law: Ontario Health Coalition Releases Legal Opinion**

Toronto -

The Ontario Health Coalition released a legal opinion today in response to the announced opening of three new for-profit Copeman Health clinics in Ontario. The coalition has sent the legal opinion from law firm Sack, Goldblatt, Mitchell to the Minister of Health with a request for action. If violations are found the clinics risk fines under Ontario law and the province risks cuts to its transfers from the federal government under the Canada Health Act. Any physicians that sell two-tier services risk fines and discipline for professional misconduct. On January 11, Don Copeman announced his for-profit clinics will charge \$2,300 per year plus an initiation fee of \$1,200 for so-called enhanced health services.

“In our view, even at this stage, the company’s conduct already appears to engage Ontario’s Commitment to the Future of Medicare Act by offering to accept payment for conferring preferential access to insured health care services,” said lawyer Steven Shrybman. “In simple terms, the company is offering to sell preferential access to physician and related services, including those that are insured by OHIP.”

“The provincial government has the power to close any loopholes by regulating physicians’ fees for non-OHIP services under the Commitment to Medicare Act passed over 1½ years ago, but has not yet done so,” added Natalie Mehra, Coalition Director. “We are deeply concerned about the attempt to create Americanized two-tier health services and undermine the achievements of universal Medicare. We have asked for action from the McGuinty government to curb the growth of two-tier health care and for-profit physician clinics.”

The major findings of law firm Sack Goldblatt Mitchell in the legal memorandum include:

- 1) The offer to accept payment for conferring preferential access, the act of paying or providing preferred access for those who pay, or failure to report such activities contravenes the Commitment to the Future of Medicare Act and are subject to a fine that the Ministry can levy.
- 2) The provision of intake, medical history and medical records are covered by OHIP and cannot be subject to fees under the Commitment to the Future of Medicare Act.
- 3) Clinics that provide preferred access to insured services as a result of paying fees are in violation of the Canada Health Act that states that the health care insurance plan of a province “must provide for insured health services on uniform terms and conditions and on a basis that does not impede or preclude, either directly or indirectly whether by charges made to insured persons or otherwise, reasonable access to those services by insured persons...” The province is expected to enforce the CHA and can have its transfer payments from the federal government reduced for violations.
- 4) The clinics cannot refuse patients who refuse to pay block fees and cannot provide preferred access for those who do pay the fees.

The full legal opinion is available at [www.ontariohealthcoalition.ca](http://www.ontariohealthcoalition.ca). For background see the OHC fact sheet on Block Fees at <http://www.web.net/ohc/BlockFees.PDF>