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Private health clinics catch feds' attention: 'We have levers' Ottawa says it will enforce Canada Health Act

By Aaron Defel

The federal government has concerns about private clinics in Quebec whose surgeons bill medicare and patients at the same time, an aide to federal Health Minister Tony Clement says.

"If it is found that services they are charging for are a violation of the (Canada) Health Act, we would be taking some action at that point," said Erik Waddell, Clement's press attache.

Waddell was reacting to news that a clinic that opened this week in Town of Mount Royal announced it will charge patients \$1,200 in fees for surgery. The doctors in the clinic still participate in the public system and will bill the province's health insurance board, the Regie de l'assurance maladie, for hernia repairs, arthroscopic knee surgery and other procedures.

The Canada Health Act prohibits clinics whose doctors are still in the public system from charging so-called facility fees. The Quebec Health Insurance Act also outlaws such double-billing, yet a couple of private clinics in Montreal have been engaging in the practice for at least a couple of years.

Waddell said Ottawa also has questions about Bill 33, the law adopted by the National Assembly last month, which allows for the establishment of private surgical clinics. Of interest to Ottawa is a clause in the law that could let private clinics charge patients "accessory fees" while the doctors still bill medicare.

"We are going to be speaking to (provincial Health) Minister (Philippe) Couillard and the Quebec government on this issue," Waddell added.

"We'll be engaging in a dialogue with them as this develops, and we'll look at what response is appropriate."

Isabelle Merizzi, an aide to Couillard, said yesterday the province will act on alleged violations of the Canada Health Act only if it receives complaints. It's unlikely, however, that patients who pay fees for quick access to surgery will file complaints against themselves with the medicare board.

Merizzi appeared to backtrack on statements she made this week in which she suggested the kinds of fees the T.M.R. clinic intends to charge would be acceptable under Bill 33. Although the law has been adopted, it will come into force only by government decree, which is expected in the coming months. "The accessory fees

have to be clarified in discussions with the medical federations."

The Quebec Health Insurance Act permits doctors who bill the Regie to charge patients only for medications and anesthesia.

The wording of Bill 33, however, potentially widens the scope of what can be charged: Physicians "must post in view of the public ... the rates for services, supplies and accessory fees."

Fernand Taras, president of the Rockland Rd. clinic, defended his fee policy.

"The professionals (here) will be covered under medicare and until things evolve, the patients will pay accessory fees," Taras said in an interview. "This has been in practice for some time now. It has been tolerated."

He contends his clinic will help reduce waiting lists in the public system because the surgeons will carry out more operations than they can in hospitals.

Across the country, defenders of public health care have expressed outrage at both Bill 33 and the T.M.R. clinic.

"The latest developments in Quebec represent open two-tier health care," said Gordon Guyatt, of the Toronto-based Medical Reform Group.

"If (Prime Minister) Stephen Harper is true to his word about enforcing the Canada Health Act and protecting medicare, he must act now."

Although the Harper government prefers to co-operate with the provinces, Waddell warned that Ottawa could withhold portions of transfer payments.

"We have those certain levers at our disposal to enforce the Canada Health Act. But our preference is to work with Quebec and the provinces."