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Montreal GP Successfully Challenges Canada's Ban on Parallel Private Healthcare Insurance

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Montreal GP Successfully Challenges Canada's Ban on Parallel Private Healthcare Insurance

Dr. Jacques Chaoulli, a Montreal general practitioner, has cracked open Canada's prohibition of private payment for services covered by the nation's 30-year-old single payer healthcare delivery system.

On behalf of a patient who had learned that it would take a year or more to replace his painful, arthritic hip, Dr. Chaoulli challenged the nation's Supreme Court, which, in a 4-3 ruling, decided, "Access to a waiting list is not access to health care."

In a press briefing in Washington, Dr Chaoulli, who had taken courses in law to prepare for his unique and quixotic battle, said that the ruling is like the fall of a second Berlin Wall... and that the other nine provinces will also likely make way for a private stratum of healthcare insurance.

Asked how his physician colleagues felt about his quest, Dr Chaoulli said that the Canadian Medical Association (CMA) was at first skeptical, but once the Supreme Court's ruling came down, CMA president Dr. Albert Schumacher called it a historic one that could change the foundations of Medicare. Dr Chaoulli added that individual physicians' reactions were twofold. Those who had known no other form of healthcare delivery "could be scared by my victory because it might introduce competition and performance assessment." A second group is more open to entrepreneurial solutions to a system that, Chaoulli averred, has no one leading its evolution. The CMA is basically a union monopoly, he said, and the single payer system came about in part due to union pressure.

"I saw patients suffering and dying," he said and nobody was talking about the infringement of their rights. "After Chaoulli," he said, the doors are open to a stratum of care that will run parallel to a "compulsory, socialized program." He warned that those who urge a single payer system in the United States should be aware that it would inevitably lead to lengthy waiting lists and unnecessary morbidity and mortality. He also suggested that Americans should be allowed to opt out of Medicare, if they wish.

Speaking for the majority on the Supreme Court, Justice Marie Deschamps said: "Courts should base their decisions on legal principles and not on sociopolitical discourse."

Dr. Chaoulli, 53, who was born in France and emigrated to Quebec in 1978, says he wants to work with US entrepreneurs to bring about a parallel system of private healthcare in Canada. He wants to stir a cultural revolution in the minds of Canadians who, he believes, have for too long bought in to a Scandinavian type of egalitarianism and statism. But, he says, "I'm not running for political office."

About the Author

David Woods, PhD, is the President of Healthcare Media International, Inc. and former Editor-in-Chief of the Canadian Medical Association Journal. He is also a Senior Scholar in the Department of Health Policy at Jefferson Medical College, Thomas Jefferson University.