



treal, 65 surgeons at Sacré-Cœur Hospital went on a 2-day strike to protest the hospital's decision to cancel elective surgery repeatedly to accommodate emergency patients. In Gatineau, near Ottawa, about 100 doctors went on strike because their hospital's orthopedic department is being transferred to another institution.

"Members say cracks are appearing everywhere and doctors feel let down," says Dr. Henry Haddad, president of the Quebec Medical Association (QMA). "They feel no one is listening in or outside the profession." In response, the association set up a toll-free hot line that physicians can call anonymously and relate their problems. Ethical issues and questions concerning quality of care and access are the major topics in Quebec, says Haddad, whose own patient load has increased by 30% in the last year.

Dr. Edwin Coffey, a QMA past president, agrees that physicians are fed up but says seeking fee increases is not the way to go. "My impression is that organized medicine is so involved in negotiating fees that fundamental reforms are neglected. BC and Alberta are fighting over fee schedules rather than reforming the system, and the public [may see] this as money grubbing."

Coffey's version of reform involves creation of a parallel system in which public and private components operate side by side (see below). There appears to be support for reform. In a December 1997 Southam poll, 67% of Quebecers agreed that a private parallel health system should be permitted.

"The system is broken," concludes Coffey. "We have to act now." ?

Physician vows to take parallel-system issue to Supreme Court

Dr. Jacques Chaoulli plans to ride his vision of a parallel private health care system right to the Supreme Court of Canada. The Paris-trained, Montreal-based physician believes that Canadian laws prohibiting the operation of a private system violate the Canadian Charter of Rights and Freedoms. To begin, he's arguing his case in Quebec court. In April he published a book on patient rights and his proposed system.

Dr. Edwin Coffey, past president of the Quebec Medical Association (QMA), wrote the foreword for the French-language book, *Pour une question des vies ou des morts (A question of life and death)*. "If the court case succeeds, it will be a real landmark," said Coffey. "It sounds radical but it comes down to whether you believe in collective or individual freedom as the primary goal."

Chaoulli's David-versus-Goliath battle began in 1994 with a plea for 24-hour emergency house calls. For the next 2 years he lobbied every level of government, right up to the premier, as well as the QMA and other groups. "I shook all the cages in vain," says Chaoulli. "I was being punished for making emergency house calls and I felt this was an insult." His response? Launch a hunger strike.

In its fourth week, public supporters, patients and the media convinced him to stop the strike but continue the fight. On Sept. 7, 1996, he went off strike and off the public health care system, only to discover that his patients were prohibited from getting private insurance to cover his services.

"I felt this was a big injustice," said Chaoulli. He spent a year-and-a-half researching other countries' health care systems and the legal aspects of freedom of choice. In the end, he decided to take his case to Que-

bec's Superior Court and, he hopes, eventually to Canada's Supreme Court.

He has 2 goals. First, he wants Quebecers to have the right to buy private medical services from nonparticipating doctors. This includes giving them the right to purchase private insurance and to receive care in hospitals. However, he doesn't want to create a private system for the rich and upper middle class.

Thus, his second goal is to create a national, parallel private system. He proposes that doctors be obliged to work a certain number of hours per week in the public system, and then have the option of working privately for another set period. "This would create a parallel private health care system, taking up 10% to 15% of the market," says Chaoulli.

He says this type of system already exists in Germany, France and elsewhere, and these countries don't have waiting lists or crowded emergency rooms. "I'm not knocking down medicare, but it's a question of freedom for the patient and physicians to have an alternative."

He's in the midst of trying to achieve his first goal of having the courts invalidate legislation concerning private insurance and hospital insurance. The province's attempt to have the case rejected was unsuccessful during a preliminary hearing in January, and at press time Chaoulli was preparing for a May court date. Federal representatives have been invited to appear. Quebec's minister of health and representatives from the College of Physicians of Quebec will receive subpoenas.

"For sure I will win this court case," says Chaoulli, who is representing himself. "I want to change and improve the Canadian health care system for the good of everyone."