

Doctors take NB government to court

Seven years, 7 presidents, 6 expert reports, 2 executive directors and 1 lawyer later, it's off to court they go. The Professional Association of Residents in the Maritime Provinces (PARI-MP) and 4 New Brunswick doctors are suing the provincial government, claiming that a physicians' resource management plan the health department introduced in 1992 infringes on 4 of their rights under the Canadian Charter of Rights and Freedoms. "This plan is so restrictive," says PARI-MP Executive Director Sandy Carew Flemming. "Essentially it restricts mobility for people [wishing] to enter the province and gives physicians already here an unfair advantage."

Under New Brunswick's plan, the province was divided into 7 health regions, each of which had a cap on the number of physicians allowed to practise. Since the plan was implemented 8 years ago, New Brunswick has suffered a shortage of doctors, says Carew Flem-

ming. "It's starting to get quite critical. The perception out there is that this is a closed province."

PARI-MP, which represents 370 residents in Atlantic Canada, is arguing that the government's resource management plan violates the charter in 4 areas: it restricts doctors' mobility, violates the concept of liberty as described in the charter, does not allow for free association and discriminates on the basis of sex. With respect to the latter claim, Carew Flemming notes that New Brunswick has approximately 1300 physicians, 1000 of whom are male. Fifty percent of medical school graduates are now female; PARI-MP argues that, because of the New Brunswick government's cap on physician numbers, female physicians have been, in essence, denied equal access to employment in New Brunswick. The government is arguing that under Section 1 of the charter, it has the legal right to restrict certain freedoms if

there are sound reasons for doing so.

The College of Physicians and Surgeons of New Brunswick has been named as a codefendant in the suit because of its licensing role. However, the college registrar, Dr. Ed Schollenberg, has also expressed concern about the government's resource management plan, and the college is seen as friendly to the plaintiff. Indeed, in 1996 the provincial government attempted without success to have the college removed as a party in the lawsuit.

Neither PARI-MP nor the 4 doctors involved in the lawsuit — all are now employed in New Brunswick — are asking for remuneration. Rather, they want the government's resource management plan declared illegal. The case, which is now being heard before a judge in the Court of Queen's Bench in Saint John, was expected to end Mar. 31, but a decision is not expected until this summer — at the earliest. — *Donalee Moulton, Halifax*

Doctor in the house? Project may open door to better care

House calls provide ideal opportunities for physicians to learn about patients, says Dr. Irene Cohen. The London, Ont., family physician is medical coordinator of Integrated Physician Services in the Home (IPSITH), a pilot project to provide home-based treatment for acutely ill patients who would otherwise be in hospital. She says physicians often discover issues during house calls that might not be detected during office visits.

Cohen recalls one patient who mixed her medications together in a fruit bowl because they were "pretty" and then used colour preferences when deciding which to take. On another occasion, Cohen visited a new elderly patient and found her living in her 1-bedroom apartment with only a bed, chair, tiny fridge and no food. The patient, who believed she was coping well since her husband's death a year earlier, was later diagnosed with Alzheimer's disease. Cohen says the patient likely would have presented herself



Dr. Irene Cohen with home care patient Alice Keukelaar

well during an office visit, creating delays in diagnosis and obtaining services. She thinks issues surrounding hygiene, family dynamics, spousal support and health are more readily apparent through house calls. "It's a definite eye-opener," she says.

(Continued on page 1187)