

# CONSUMERS' ASSOCIATION OF CANADA (ALBERTA)

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## MEDIA RELEASE & CONSUMER ALERT

Date: July 18th, 2005  
Edmonton

### *Loss of Consumer Protections Opens Door to Exploitation and Widespread User Fees in Health Care*

Hard won consumer protection provisions in the regulations of the hotly debated *Health Care Protection Act* (Bill 11) were watered down last week by new Orders in Council from the Alberta Cabinet according to Larry Phillips, President of the Alberta Chapter of Consumers' Association of Canada. Similar changes were made to the *Hospitalization Benefits Regulations*. **These amendments open the door to future exploitation of patients, compromised safety and a proliferation of user fees for eroded public health benefits.**

"The additional consumer protections were originally introduced to the *Health Care Protection Act* in response to a public outcry over patient charges for physician recommended implants used in cataract procedures." Phillips said. **"Now these protections have been erased without any consultation with the same public."** A January 2000 Consumers' Association report by W. Armstrong, *The Consumer Experience with Cataract Surgery and Private Clinics in Alberta: Canada's Canary in the Mine Shaft* ([www.albertaconsomers.org](http://www.albertaconsomers.org)) helped to expose the problems.

Recent regulatory changes by the Alberta Cabinet include:

- 1. Removal of the formula used to calculate and limit the amount of profit-taking from sales of enhanced medical goods and services sold in conjunction with publicly insured services.**
- 2. Removal of a requirement for prior approval by the provincial Ministry of any enhanced medical goods or services sold in conjunction with publicly paid procedures.**
- 3. Removal of the requirement for public disclosure of authorized approvals for medical goods or services through listing in a publicly-posted Schedule.**

According to Armstrong, these amendments provide new opportunities for public hospitals and health authorities to introduce user fees and charges for lost public coverage as hospital services are stripped down to new "basics" under new "Third Way" directives. She points to similar strategies used in long term care and home-care over the past decade which have led to reduced quality and scope of coverage and higher out-of-pocket costs for patients and families.

### **SAFETY FIRST OR SAFETY LAST?**

One of the frequently stated reasons given by the Alberta Premier for promoting private sales of medical goods and services both outside and inside Medicare is to give Albertans new opportunities to purchase "enhanced" or "better" goods or procedures such as a "Birmingham hip". **Use of such terms to describe new procedures is misleading.**

Like new drugs, many new procedures and implants (which undergo far less rigorous evaluations than drugs) have been found to have serious problems down the road. This is why cautious use and careful monitoring of new procedures is urged by most practitioners. These problems have also grown over the past decade as economic pressure to relax regulations and the creation of new conflicts of interest within medicine, research and government have led to many drugs and implants being rushed into widespread use before being adequately evaluated.

As for the Birmingham hip, in a letter to Edmonton Journal on Friday July 15th, **Dr. D. Johnston, past president of the Canadian Orthopedic Association points out "there is no clear consensus among experts that the Birmingham hip is a better hip, and indeed in many studies it has a higher complication rate, both short-and potentially long-term"**. The manufacturer states Birmingham Hip Resurfacing is neither indicated or desirable [for older persons] on account of osteoporosis and the risk of femoral neck fracture.

Our provincial government has repeatedly said it is committed to improving the health of Albertans and safety within the health system. In our view, relaxing the rules to encourage the promotion and sale of potentially harmful and/or inappropriate or unnecessary tests, procedures, or implants is incongruent with such objectives.

#### **CALL FOR ACTION**

Based on past experiences, these recent changes to consumer protection in health care are not in the best interests of Alberta families or communities. Therefore, we are calling on Albertan to:

- 1. Contact their MLAs and the Premier's office and insist upon a repeal of the recent Orders in Council, which have removed important consumer protections.**
- 2. Insist on disclosure and public hearings related to any proposed reductions in the scope or quality of the public health plan services.**
- 3. Insist on prior 60 day public notice of any proposed regulatory changes through Orders in Council by the Alberta Cabinet.**
- 4. Be alert to new charges, user fees and marketing of new procedures or extra services by private clinics and public hospitals and contact us with details at (780) 426 – 3270 or [contact@albertaconsomers.org](mailto:contact@albertaconsomers.org) or Box 11171, Edmonton, Alberta, T5J 3K4.**

For more information or comment, please contact

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OR

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**Note: This is an abridged version of the original press release. (October, 2005)**