Physicians’ right to practise

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The freedom to move about this country, without fear of persecution and the freedom to emigrate are two dreams that I have always wanted to see fulfilled.

Andrei Sakharov — address to the All Party Congress, Moscow 1987

In 1984, in the Province of British Columbia, the right of physicians to practice in the area of their choice was rescinded. Since that time other Ministers of Health in other provinces, including Alberta, Ontario and Quebec have threatened to follow suit.

The BC government instructed the BC Health Insurance Commission to limit billing numbers in the province. They decreed that, if the area of expertise in which the physician was qualified was “filled”, or if the region in which he or she wished to practice was “adequately serviced”, no right to practice would be given.

At present, after two appeals in the Supreme Court, the original ruling stands and the government retains the right to limit the access of physicians in the province.

The ruling is in direct contradiction of the recently won Canadian Charter of Rights. The charter states in part 1 under “The mobility rights”, every citizen in Canada has (a) “a right to move and to take up residence in any other province” and (b) “to pursue the gaining of a livelihood in any province”. The Supreme Court of British Columbia recently overturned the original decision which stated that it was unconstitutional to deny freedom of access in this country to any citizen.

However, leaving the legalistic stick-handling aside, it is my gut feeling (appropriately) that the measures are discriminatory and contrary to the ideals of Canada. Our politicians, aided by the media, continually contrast and compare our land to the Eastern Bloc. We are endlessly told how fortunate we are to have the freedom that these countries lack because of communist dictatorship. One of these freedoms is to be able to move without fear of persecution, discrimination or imprisonment. The spectacle of the provincial governments passing legislation against a group of its citizens is discriminatory, Draconian and totalitarian.

WHAT NEXT?

The reason for this disgraceful behaviour is the high cost of medical care in this country. The legislators, who in their wisdom introduced Medicare in the 1960s, are now reaping what they have sown. They have finally realized what we all knew from the study of other national health systems; that the Frankenstein that they created is inordinately expensive, keeps getting more expensive and is far more expensive than their economists originally predicted. The reaction has been devastating. Virtually all provinces have cut back services to the aged and to the handicapped. They have reduced the number of hospital beds, fired auxiliary help, reduced the fees to physicians and now threaten to limit physicians’ access. Note, no one will touch the sacred cow of Medicare — it will not be altered in any way, no services deleted, and it remains portable. The purveyor of the care, that is, the physician, is not portable!

The other reason for the limitation of freedom of access is the false assumption by economists that more physicians mean higher costs. They imply that we will run into the street and drag some poor unsuspecting person into our offices and order myriads of expensive treatments and tests, thereby increasing our incomes. How we will do this with a finite number of patients with a finite number of problems is incomprehensible. This canard is accepted by governments, even though one of these economists admitted to me (by telephone) that there was no evidence in the economic literature that costs do go up when more doctors move into an area. He says it is supply and demand and that is an “economic law”. “Supply and
demand" — goods will only be marketable if there is a demand. He implies, for example, that more endoscopists (in our specialty) will manufacture more demand. If this is true, then my patients are unique and different from those that the economists have not studied! Most of my patients hate endoscopic procedures and while they may tell their worst enemies to have one, they certainly would not recommend it to their friends!

Aside from the abrogation of our civil rights, and the false premise that engendered this vicious legislation, there is another ominous effect. The limitation of our young doctors to practice where they wish is fraught with danger. They will be unable to bring their newly won expertise to the area. We will be unable to teach them the practicalities of medicine outside the womb of the university hospital from which they have emanated. It is unfair to them, it is unfair to us and it is certainly unfair to the patient. It is also unfair to force them into a remote area if they do not wish to go, away from the stimulus of colleagues. It is punitive, abhorrent and totally unacceptable.

Every other working person in this country is free to move be they an oil driller, a carpenter, a teacher, a lawyer, an athlete. The only thing that limits their movement is the availability of work. If that work is available, and they are qualified, they may go wherever they wish. If they do not succeed then that is because they are unable to compete. That is as it should be in a marketplace economy. Arguments to the contrary, legislation to the contrary, this legislation, should not be acceptable in this social democracy.

Finally, it is with sorrow that I do not hear other groups rising to our defence. To paraphrase, Pastor Martin Niemoller after the Holocaust, "first they came for the doctors and I said nothing, then they came for the lawyers, bakers and candlestick makers and I still said nothing. Then they came for me and there was no one left to say anything."