



S-068256

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE *JUDICIAL REVIEW PROCEDURE ACT*,
RSBC 1996, C. 241

BETWEEN:

BRITISH COLUMBIA NURSES' UNION

PETITIONER

AND:

MEDICAL SERVICES COMMISSION

RESPONDENT

A F F I D A V I T

I, Barbara Gosling, retired, in the City of Williams Lake, in the Province of British Columbia, MAKE OATH AND SAY THAT:

1. I am a patient of Dr. Richard Brownlee and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be made on information and belief, and where so stated I verily believe them to be true.

2. I have suffered from back problems for some 30 years.
3. On or about 1998 I sustained an injury to my back.
4. Around that time my family physician, Dr. Doug Neufeld, referred me to Dr. Hunt, a neurosurgeon in North Vancouver. I waited approximately 9 months for an appointment.
5. I scheduled my holiday to be available for the appointment. I travelled down to North Vancouver for the appointment. While in Vancouver, the day before the appointment, I telephoned Dr. Hunt's office to confirm my appointment. I was advised by Dr. Hunt's office that my appointment was cancelled.
6. I returned to Williams Lake and asked Dr. Neufeld to refer me to a different neurosurgeon. I was referred to Dr. Brownlee in Kamloops.
7. After several consultations, on or about 2000, Dr. Brownlee performed surgery on my back.
8. Immediately after the surgery I felt reasonably well. Unfortunately, as time passed I began to experience increasingly severe pain.
9. On or about May 2006 Dr. Neufeld referred me to Dr. Brownlee for a consultation regarding my continued pain.

10. I did not receive an immediate response to the referral.

11. I am aware of other people that, when learning of a long wait time for an appointment with a physician, have paid for a private appointment and been able to see the physician more quickly.

12. On or about July 2006, having still not received a response to the referral, I telephoned Dr. Brownlee's office and asked how soon I would be able to see him for a private consultation. The woman answering the telephone at Dr. Brownlee's office connected me to another number. I discussed a possible appointment with Dr. Brownlee with this other woman. She told me that I would be able to see Dr. Brownlee privately in a few months, for a fee. I did not make an appointment.

13. A few days later I received a telephone call from a woman asking me if I had made my mind up about having a private appointment with Dr. Brownlee. I told her that I had decided not to schedule a private appointment.

14. On or about late October 2006 I received a notice from Dr. Brownlee's office advising an appointment had been scheduled for me for February 26, 2008. Attached as Exhibit "A" is a copy of the notice.

15. When I learned I could not see Dr. Brownlee until 2008 I felt hopeless. I could not believe that the date was accurate. Then I became angry because I had learned from his office in July 2006 that I might have an appointment in a few months if I was prepared to pay for the appointment.

16. On or about November 16 2006, shortly after receiving the notice attached as Exhibit "A", I instructed my husband, Terry Gosling, to telephone Dr. Brownlee's office and ask how quickly Dr. Brownlee could see me privately. Mr. Gosling told me that he was referred to a private surgical centre in Kamloops and provided with a telephone number for the centre.

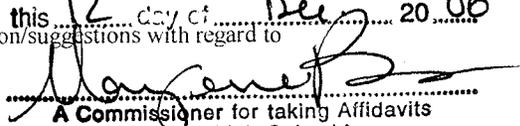
17. Mr. Gosling told me that he telephoned the private surgical centre in Kamloops and spoke with a woman named Shannon. Mr. Gosling said to me that he was advised by Shannon that if I was prepared to pay a fee of \$350, Dr. Brownlee would be able to schedule me for a consultation within 2 to 3 weeks. He told me that he asked and was told that the appointment would take place during regular office hours at Dr. Brownlee's regular office.

18. Neither Dr. Brownlee nor anyone from his office has ever advised me that he has made an election under the *Medicare Protection Act* to be paid for benefits directly from a beneficiary.

19. Neither Dr. Brownlee nor anyone from his office has ever advised me that the Medical Services Plan would not cover the cost of my appointment scheduled for February 26, 2008.

Dr. Richard D. Brownlee, M.D., F.R.C.S.(C)
212-300 Columbia St.
Kamloops, BC V2C 6L1
(250) 828-1842 Fax: (250) 828-1493
(Located directly across from the hospital)
(Parking in front of building)

APPOINTMENT: Tuesday, February 26, 2008 @ 1:30

This is Exhibit " A " referred to in
the affidavit of B. Grosling
sworn before me at Williams Lake
this 12 day of Dec 20 06

A Commissioner for taking Affidavits
within British Columbia

TO ALL DR. BROWNLEE'S PATIENTS

We are an extremely busy specialists' office and therefore have some information/suggestions with regard to office/surgical appointments.

NEW PATIENTS

If you are a new patient, or a re-referral, an appointment date is at the top of this note. Please confirm 1 week before your scheduled appointment. We do not call to confirm appointments. We do not have a cancellation list. Other than Royal Inland Hospital or Williams Lake films, you are responsible for bringing any other films to your appointment or have them sent to our office directly before your scheduled appointment date. We do not accept telephone calls from patients wishing to have their appointments moved closer and we discourage calls of complaints and frustration regarding our long waiting list. We understand but unfortunately this cannot be helped.

TESTS

If Dr. Brownlee orders any kind of X-ray, CT scan, Myelogram, MRI etc., the Royal Inland Hospital will contact you directly with an appointment. When you receive this call please call our office immediately so that we can book you an appointment in our office for your results.

WCB PATIENTS

If you have a WCB claim please bring your claim number and date of injury with you to your appointment. Failure to do this will result in a delay in your claim. Also, if you are booked for surgery we do require authorization to proceed with surgery from WCB.

SURGICAL PATIENTS

If you are booked to have surgery our office will send you a letter with a tentative date for surgery. You are then required to call the hospital 1 week before the surgery date to get a time (the number to call is on the blue Day Surgery & Admit Post-op Information Form given to you when surgery is indicated). Please remember that this date is tentative and may be changed at any time. After having surgery and you are discharged home, please call our office ASAP to make a postoperative appointment for about 3 months after surgery.

FORMS

Dr. Brownlee no longer completes third party forms, insurance forms or back to work forms. These should all be completed by your family physician. Any patients wanting copies of charts or transferring of chart notes from one doctor to another, there is a flat rate of \$20.00, charged to the patient.

PLEASE NOTE

Unfortunately we currently have a very long waiting list for scheduled appointments for our office. Therefore we require cooperation and understanding from all our patients. Unfortunately opportunities do arise when Dr. Brownlee may be called away to an emergency and appointments as well as surgery dates might get changed. This might happen with very short notice as well, but unfortunately this cannot be helped. If this does happen to you please be understanding and we will re-book your appointment the next possible date that we have available. We apologize in advance should this happen to you.

NO SHOWS

If you need to postpone your schedule appointment or no longer require it any longer, please call our office at least 1 week before your appointment date to cancel or move. Failure to do this will result in a fee of \$40.00, charged to the patient for a missed appointment. ALL OUTSTANDING INVOICES MUST BE PAID BEFORE NEXT SCHEDULED APPOINTMENT.