



No. S-088484
Vancouver Registry

*Affidavit #1 of Carol Welch
Sworn December 4, 2008*

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

BETWEEN:

Mariël Schooff, Daphne Lang, Joyce Hamer, Myrna Allison, and Carol Welch

PETITIONERS

AND:

Medical Services Commission

RESPONDENT

AFFIDAVIT

I, Carol Welch, Claims Analyst at Worksafe BC, in the City of Ladner, in the Province of British Columbia, MAKE OATH AND SAY THAT:

1. I 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. In or about June 2006, I developed bursitis down my right leg. I consulted my family physician, Dr. Dale Magnuson. He advised various treatments such as ice packs and rest. Unfortunately, my condition did not improve with these treatments.

3. In or about early October 2006, I again sought Dr. Magnuson's advice. He directed me to try physiotherapy. Shortly after that appointment I had one physiotherapy session. The day after I tried physiotherapy I experienced excruciating pain.

4. On or about October 18, 2006, I returned to Dr. Magnuson's office and saw his partner, Dr. Lee. She gave me a prescription pain killer. The pain gradually subsided, although my condition remained unresolved.

5. Dr. Magnuson followed-up with my appointment by scheduling a CT scan. On or about late October 2006 I had a CT scan at Richmond General Hospital.

6. In or about mid-November 2006 I returned to Dr. Magnuson's office to discuss the results of my CT scan. He reviewed the report accompanying the CT scan and told me that I had nerve damage and various other issues, including a herniated disc in my back. He said I required a consultation with a surgeon.

7. The surgeon I was originally referred to by Dr. Magnuson was not accepting any patients. He then referred me to Dr. Chan. Dr. Magnuson's secretary phoned me and told me that I would not be happy as the first available appointment I could get was July 4, 2007. She also told me there was no one else to refer me to for an earlier appointment.

8. A woman I know at work was also referred to see Dr. Chan. She told me she was originally to wait more than a year before she could see Dr. Chan. However, she told me she had learned that the surgery could be done more quickly at the False Creek Surgical Centre ("FCSC") by Dr. Chan.

9. In or about mid-December, 2006, I phoned the FCSC and told them I had an appointment on July 4, 2007, with Dr. Chan in his New Westminster office. I said I could not wait that long and I would really like to see him sooner. The woman who answered the phone said I could see him sooner at the FCSC, but it would cost \$450. I agreed and I was booked into an appointment one week later.

10. The woman booking the appointment asked if I had a disc of my CT scan. I said no and she advised she could retrieve it from the hospital.

11. On or about December 22, 2006, I went to the FCSC for an appointment with Dr. Chan. I paid \$450 for the appointment.

12. During the appointment, Dr. Chan said that I had a ruptured disc and showed it to me on the CT scan. He said I could get some relief from a chiropractor, but the only thing that would fix the condition would be surgery. He advised the surgery would take 2 hours and I would be in the hospital for 2 days.

13. Dr. Chan then told me that I could have the surgery done at FCSC for a cost of \$5000 within 2 weeks. He said if I did that, I would not pay his fee, that would be paid by MSP. He told me my other choice was to have the surgery at the hospital, but it would take 4 to 6 months to get an appointment date.

14. I could not afford to pay for the surgery, although I understood that I needed the procedure. I declined an appointment at the FCSC and waited for surgery in the public system. While I waited for surgery, I was in a great deal of pain and could only work half days at my job. My condition required me to see Dr. Magnuson every 10 days to assess my condition and continue the pain medications.

