

T. McGregor #1 Sworn: August 14, 2009

> No. S090663 Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN INDEPENDENT MEDICAL CLINICS ASSOCIATION, CAMBIE SURGERIES CORPORATION, DELBROOK SURGICAL CENTRE INC., FALSE CREEK SURGICAL CENTRE INC., OKANAGAN HEALTH SURGICAL CENTRE INC. and ULTIMA MEDICAL SERVICES INC.

PLAINTIFFS

AND:

MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA, MINISTER OF HEALTH SERVICES OF BRITISH COLUMBIA and ATTORNEY GENERAL OF BRITISH COLUMBIA

DEFENDANTS

AND:

SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

DEFENDANT BY COUNTERCLAIM

AFFIDAVIT

- I, Thomas McGregor, former advocate for the BC Coalition of People with Disabilities, of 3381 Marquette Crescent, of the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:
- 1. From 1998-2002, I was the Co-Director of Advocacy for BC Coalition of People with Disabilities (the "BCCPD"). In 2005, I had to resign from the BCCPD for health reasons. I am also a person with a disability myself. As a result of my work with the BCCPD and my personal experience with disability, I have knowledge of the facts to which I hereinafter depose.

- 2. I suffer from Limb-Girdle Muscular Dystrophy. This is a wasting muscle disease that affects the hips and shoulders. My disease has progressed to the point where I have very limited ability to stand or walk. Since 1997, I have had to use a wheelchair to get around.
- 3. Because of my condition, I am a frequent user of the public health care system in British Columbia. Currently, I see a nurse practitioner 6-8 times a year for treatment. I also see a neurologist approximately every other year in order to monitor the progress of my disease. The cost of all these visits is covered by the public health care system at no cost to myself.
- 4. At present, I also have extended medical benefits through my wife's private insurance plan with her place of employment.
- 5. In the past, this insurance covered the cost of a number of items that I require to aid in improving my mobility, including the purchase of a wheelchair and bath chair.
- 6. However, it has been my recent experience that our insurer is now covering fewer and fewer items that I require to assist with my mobility. For example, our insurer recently refused to pay for a new replacement wheelchair that I require.
- 7. Given my experience with our insurer to date, I cannot imagine how difficult it would be as an individual with a pre-existing condition if I had to try to get private medical insurance coverage for my primary health care.
- 8. At present, my approximate annual income is \$15,000. The major source of this income is from Canada Disability Pension.
- 9. Last year I spent approximately \$7,000 on required medical expenses (i.e. items not covered by the public health care system or our private insurance).
- 10. Given my limited income, \$7,000 is already a prohibitive amount to have to spend on medical expenses. If I had to pay directly for my primary medical care or pay for insurance for primary medical care, I would not be able to afford it. As a result, my care and treatment would suffer significantly.

- 11. As a person with a serious disability, I am very grateful that British Columbia has a public health care system which covers the cost of my basic medical needs as I am entirely reliant on the public health care system to cover the cost of the medical services I require in a timely manner.
- 12. I am very concerned that if the Plaintiffs are successful in challenging the laws or regulations that limit the ability of physicians to charge a premium for necessary health care services or if a growing number of family physicians and specialists reduce their commitments to providing publicly funded care in favour of serving patients who are able to pay a premium for the same care, that my health and my access to proper care within the publicly funded system will suffer.
- 13. I swear this affidavit in support of my application to be added as a party in these proceedings and for no other or improper purpose.

SWORN BEFORE ME at the City of Vancouver, in the Province of British Columbia, this 14th day of August, 2009.

A Commissioner for taking Affidavits for British Columbia.

THOMAS McGREGOR

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