

## Opting out (Nanaimo 1992)

How a small group of Nanaimo doctors were able to exert an outsized influence on the provincial stage.

Paul Mitenko, MD

Physicians in Nanaimo have recently completed a prolonged struggle with a difficult bureaucracy about a poorly designed hospital computer system. Our persistent and perceptive leaders have persuaded the government to remove the most dangerous aspects of this system, those which created real hazards for hospitalized patients. While we worked toward solving this problem, I was reminded of a previous fight against bureaucracy in Nanaimo, and offer this brief history.

The NDP, under Mr Mike Harcourt, was elected to provincial government in late 1991, and initially was welcomed by the BC medical profession because of the new approaches that they seemed to offer to medical care. That enthusiasm was replaced by alarm within the next few months with the introduction of legislation that canceled legal agreements with the medical profession, “extinguished” binding contracts (specifically the previous year’s agreement

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Dr Mitenko is a retired internist, and after having had a satisfying career, he spends his time visiting with friends and family, reading books, experimenting in the kitchen, and catching up on family and personal history.

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*For more Doctors of BC history, see The BCMA, Then and Now: A selected history from 1965 to Doctors of BC by Dr Brad Fritz, available at [www.doctorsofbc.ca/who-we-are/our-history](http://www.doctorsofbc.ca/who-we-are/our-history).*

that established government contributions to retirement savings plans for physicians), seized control of funding arrangements (establishing reimbursement caps and underfunding the health care system), and refused mediation and binding arbitration. The legislation was passed in July 1992 despite concerns and protests by the profession and the then BCMA.

### **The amount of publicity and coverage by the media made opening day a trial.**

Any trust or understanding from the profession was destroyed by the breaking of those legal contracts. Meetings and rallies were held, and in Nanaimo the result was the Opt-Out Movement. With a letter to the provincial government, individual physicians could withdraw from the Medical Services Plan. Since the government had proven to be so intransigent, it was proposed that physicians opt out, bill their patients directly, and ask patients to collect billed fees from MSP. After all, the government was not our master in our practices, but was actually the insurance company for our patients, and responsible to them for compensation via MSP.

Plans were developed, and the first opted-out doctors appeared in

Nanaimo on 11 September 1992. Various dire predictions were made by the then Minister of Health, Ms Elizabeth Cull, and other officials and bureaucrats, but the arrangements we had made in our offices held up well, specifically those that made sure no patient was denied care in the office or at the hospital, and certainly that patients would not be turned down on the basis of their ability to pay.

These plans were put together by physicians and their devoted office staff, and worked incredibly well for the duration of the dispute. Still, the amount of publicity and coverage by the media made opening day a trial, even to the clerk in my office (my wife, Donna) asking a bright young TV reporter, “Will that be cash or Chargex?”

Thus began our great adventure. Our patients proved to be very understanding, and on being acquainted with the fee schedule (we did not charge more than what was listed in the MSP schedule) were amazed at how little their services cost. We became closer to our patients even though we made less money.

Opting out certainly created confusion for the bureaucracy at MSP. I recall one patient who traveled to Victoria to collect on a disputed charge and refused to leave the wicket until she got paid the full amount. Physicians suffered forever with disputed billings, but she got paid that afternoon.

*Continued on page 469*

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### back page

*Continued from page 470*

The BCMA was very supportive of our efforts, arranging meetings and mail-outs to encourage growth of the Opt-Out Movement as well as helping physicians who had taken the plunge by paying for their disability insurance, CMPA fees, and CME funding.

The number of opted-out physicians was never large; it involved about 50 doctors in Nanaimo and another 50 across the province out of 8000 province wide. We may have been small in number, but we prevailed in the end because our cause was just. An agreement was reached in August 1993, essentially restoring the original contracts, and was approved by the BCMA membership.

We were proud that the doctors of Nanaimo were at the forefront of a difficult struggle against a government that seemingly had all the weapons but didn't have a principled defence! I remember the united feeling we had about leading the physicians of BC, and I continue to thank my colleagues here for their enthusiasm and support. I won't attempt to mention them all, but will salute my fellow internists and members of the "Nanaimo Seven," namely Drs Kam Bandali, Kevin Lai, Bennett Horner, Marc Trajan, Lawrence Winkler, and Herb Welch. **BCMA**