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Nota di contenuto	Chaoulli : the political versus the legal life of a judicial decision / Peter H. Russell -- The Chaoulli decision : less than meets the eye -- or more? / Bernard M. Dickens -- Chaoulli and Quebec's Charter of Human Rights and Freedoms : the ambiguities of distinctness / Jean-Francois Gaudreault-DesBiens and Charles-Maxime Panaccio -- Charter perspectives on Chaoulli : the body and the body politic / Lorraine Weinrib -- Worse than Lochner? / Sujit Choudhry -- Condition critical : the constitution and health care / Allan Hutchinson -- Wealthcare : the politics of the Charter re-visited / Andrew Petter -- Deja vu all over again : Chaoulli and the limits of judicial policy-making / Christopher P. Manfredi -- Towards a two-tier constitution? : the poverty of health rights / Lorne Sossin -- The courts and Medicare : too much or too little judicial activism? / Kent Roach -- Implications of

Chaoulli for fact finding in constitutional cases / Hamish Stewart -- Experts and evidence : new challenges in knowledge translation / Morris Barer -- Different interpretations of "evidence" and implications for the Canadian healthcare system / Charles J. Wright -- How to defend a public health care system : lessons from abroad / Alan Maynard -- Blending private and social health insurance in the Netherlands : challenges posed by the EU / Andre den Exter -- The role of private health insurance in social health insurance countries : implications for Canada / Stefan Gress -- Finding health policy "arbitrary" : the evidence on waiting, dying, and two-tier systems / Colleen M. Flood, Mark Stabile and Sasha Kontic -- The CMA's Chaoulli motion and the myth of promoting fair access to health care / Trudo Lemmens and Tom Archibald -- Preserving privilege, promoting profit : the payoffs from private health insurance / Robert G. Evans -- Opening Medicare to our neighbours or closing the door on a public system? : international trade law implications of Chaoulli v. Quebec / Tracey Epps and David Schneiderman -- Promises, promise : setting boundaries between public and private / Claude E. Forget -- Politics and paradoxes : Chaoulli and the Alberta reaction / Timothy Caulfield and Nola Ries -- Private insurance for Medicare : policy history and trajectory in the four western provinces / Greg Marchildon -- A just measure of patience : managing access to cancer services after Chaoulli / T. Sullivan [and others] -- Section 7 "safety valves" : appealing wait times within a one-tier system / Caroline Pitfield and Colleen M. Flood -- Arbitrariness, Randomness and the Principles of fundamental justice / Stanley Hartt -- In search of a mandate? / Roy Romanow.

Sommario/riassunto

Historically, the Supreme Court of Canada has avoided direct intervention in health care policy-making. This posture changed dramatically with the release of the Chaoulli decision in June 2005. In a narrow four-to-three decision, the Supreme Court struck down Quebec laws prohibiting the sale of private health insurance on the basis that they violate Quebec's Charter of Human Rights and Freedoms. Three of the four judges in the majority also found the provisions violate section seven of the Canadian Charter of Rights and Freedoms. In a blistering dissent however, the three judges in the minority found that the insurance restriction violated neither the Quebec nor the Canadian charters. The result makes further Charter challenges to similar laws in other provinces inevitable, but the question of whether they will or should succeed remains contested. In September 2005, a conference was convened at the University of Toronto to discuss the legal implications of the Chaoulli decision. Some of the top Canadian scholars in the fields of health law and health policy were brought together to exchange ideas and to chart the potential legal course for Canada in the decision's wake. Access to Care, Access to Justice contains all the papers given at this conference. Edited by Colleen Flood, Lorne Sossin, and Kent Roach, the collection explores the role that courts may begin to play in health care and how this new role is of crucial importance to the Canadian public and their governments. As litigators for those who favour more freedom to provide private health care and aggrieved patients marshal their legal resources, provinces across the country are considering their options. Some are seeking guidance on how to better insulate themselves from review; others may welcome such challenges as a way to revisit the provisions of the Canada Health Act. The contributors to Access to Care, Access to Justice examine how the future of Canadian.
