
Aug 29, 2007

Sue for fair medical treatment, CMA editorial tells First Nations

First Nation governments should sue to receive fair medical treatment, said an editorial published Tuesday in the Canadian Medical Association Journal.

"The bleeding sore on Canada and its human rights record is how very little consideration First Nations get for basic needs," said editorial co-author and University of Ottawa law professor Amir Attaran.

In the editorial titled "Jordan's Principle, governments' paralysis," Attan and co-writer Dr. Noni MacDonald urged the federal, provincial and territorial governments to pay medical treatment bills for First Nations children, then argue over who foots the tab once treatment is given.

This concept is called "Jordan's Principle" after a Manitoba child who had a rare neuromuscular disorder and died in a Winnipeg hospital at the age of four while the federal and Manitoban governments argued over who would pay his medical bills.

Attaran said it's a shame that governments argue over who should pay for complex medical expenses while aboriginal children die and their families suffer.

He cited the case of McKenzie Olsen, a 12-year-old boy from the Nacho Nyak Dun First Nation in Mayo, Yukon.

Olsen has Hurler-Scheie Syndrome, a disease causing toxins to build up in cells, leading to progressive damage to bones, joints, the heart and respiratory and central nervous systems. His treatments cost up to \$17,000 a week, and the province of Alberta, where Olsen now lives, will only pay 40 per cent of the costs, claiming that his medical bills are a federal responsibility.

Attaran said that First Nation families like the Olsens need to take the issue to court in order to prevent the deaths of aboriginal children from a lack of medical treatment while governments squabble over the bills.

"[MacKenzie] and his family are hostages to the indifference and inefficiencies of bureaucratic processes, and I expect they're only going to get a final decision on McKenzie's treatment if they go all the way to a trial and

judgment," he said.

If the governments are unsure of their responsibility, Attaran said, they merely need to look at the Charter of Human Rights and Freedoms, which guarantees equal treatment for all Canadians, and let common sense prevail.

In an interview with CBC Radio he issued a warning to government officials about treating First Nation children differently.

Attaran said, "Anyone listening to the broadcast who works for the territorial government, the provincial one, the federal one, mark these words well, it's the advice of the leading medical journal in Canada that you'll be sued if you do not provide the treatment that First Nation children require."