

## Mother of Two in Need of Life-Saving Surgery

For a number of years my family and I have been living a horror story about the failure of our health care system, out-of-country funding and the Health Services Appeal and Review Board (HSARB) process.

I am a 50-year-old married woman with two daughters--14- and 16-year-old. I suffer from spinal and neurological problems as a result of an unsuccessful spinal surgery in Toronto in 1999. As a consequence, I now have a deformed spine. A New York spine revision doctor is available to perform the surgery ASAP. A Surgery which is not available in Ontario. We have exhausted all our financial resources. My out-of-country funding application was denied, our appeal to the Health Services Appeal and Review Board was also denied even though we had a strong argument and presentation. Furthermore, 700 concerned Ontarians signed an electronic petition to the Minister of Health and the Premier of Ontario asking them to intervene so as to put an end to my agony. Many friends called their ministers and MPPs and asked them to help me to obtain the surgery which is not available in Ontario. Unfortunately, these pleas were not answered.

The decision of the three-member Health Services Appeal and Review Board--all with a financial backgrounds but none with medical background--was a travesty of justice as it denied me natural justice and procedural fairness. The board ignored critical testimony and facts which are crucial to rendering a fair and just decision. The board was highly selective in choosing its evidence. The board's decision contains errors of law, factual errors, and contradictions.

Unbelievably, the request to review went from the HSARB to OHIP to get their consent for the review. As it was expected, the OHIP lawyer argued against the review. It appears that it is too much to expect from the body which refused to approve the funding in the first place, to reverse itself and admit its mistake. The Appeal Board's process is tantamount to asking the tobacco industry to certify a study verifying that smoking can cause cancer and other illnesses.

My lawyer advised me to appeal the decision to the Divisional Court of Ontario. This is quite an undertaking. It will take about two years, if not more, for the court to render a decision. Two years is "forever" for me. By then, it will very likely be too late. I don't have the luxury of waiting. I am afraid that by then I will be "paraplegic," as a spine specialist testified at the hearing, and be bed-ridden. In addition, I will possibly be suffering kidney and liver failure, due to the 8 Percocet and other morphine-based medications I take to relieve my pain.

Furthermore, the financial cost of litigation at the Divisional Court is prohibitive. We are sure it will cost much more than the HSARB hearing costs. We have already spent over \$30,000 on lawyers' fees to appeal to the HSARB.

Unfortunately, the current system is skewed and the deck is stacked against the citizens and patients and in favor of OHIP bureaucrats and the establishment. It seems, based on my experience, unless you have deep pockets, you do not have medical rights in Ontario. Our health system is not catered to look after the needs of our patients; its priority is to look after the interests of the "health care" providers.

The board's decision is scandalous and goes against the grain of what Canada and the Canadian people stand for. The decision is a stain on Canada's reputation as a country which rightly takes pride in the equal treatment of its citizens.

It is ironic that in a country like Canada a desperate patient can not get a life-saving treatment which is not available in Ontario (in the last four years I was examined by seven Ontario specialist--five spine and two neurologists, and none of them offered treatment other than pain-killer pills). Is this the "best health care system" we have been promised?

What is the life of an Ontarian worth? What do we have to do so to get the appropriate health care in a civilized and progressive country like Canada? Where is the fairness of the system? Where are the mechanisms of impartial review process to which citizens can turn for redress, without having to go to the Divisional Court?

In light of my prolonged crisis (in addition to my spine failure, I suffer from damage to the lumbosacral roots, loss of sensation, and loss of mobility), wouldn't it make sense and be more cost effective to the tax payers to provide me with the treatment I needs and get me off our health care system than to deny me the necessary treatment? The alternative, for me, is to become a paraplegic suffering from chronic kidney and liver failure and in need of health care treatment for the rest of my life and be a permanent burden on our health care system hence depriving other patients of necessary treatment in light of the limited resources of the already strained health care system.

Any Ontarian could be in my shoes and face the same heart-wrenching situation. Therefore, I urge you to pick the baton of this humanitarian case and help me end our family nightmare. On behalf of family and myself, I would like to express our sincere appreciation. We are grateful for your heartfelt support and solidarity.

Sevan Hajinian

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