



United States House of Representatives
WASHINGTON, DC 20515

June 15, 2005

CANADIAN SUPREME COURT: “Access to a waiting list is not access to health care”

Dear Colleague:

Last Thursday the highest court in Canada ruled that one of the shortcomings of the single-payer health care system was unconstitutional. I have attached an opinion piece on this topic from Monday's *Wall Street Journal* for your review.

The editorial tells the story of George Zeliotis, a Canadian who needed a hip replacement. Mr. Zeliotis waited an entire year for his surgery. Since it is illegal to pay out-of-pocket for services that are covered by the Canadian health care system, many people cross the border into the U.S. for timelier care. However, Mr. Zeliotis and his physician, Dr. Jacques Chaoulli, were fed up with the system and took their case to court, contending that having no choice but a waiting list was impeding his constitutional right to “liberty, safety, and security.”

The Canadian court agreed. This is an important decision and could give us some guidance for health care policy right here at home.

Historically, Medicare beneficiaries have had the legal right to contract privately for health care services. However, in 1997 Congress created enough red tape to virtually stop the practice. Under that law, any doctor or health care provider who wants to set up a contract must sign an affidavit agreeing to stop seeing **any Medicare patients** for two years.

That is why I have introduced H.R. 709, the Medicare Beneficiary Freedom to Contract Act of 2005. H.R. 709 specifies that nothing shall prohibit a Medicare beneficiary from entering into a private contract with a physician or health care practitioner for the provision of Medicare covered professional services.

Please feel free to contact Nikki Miller with Congressman Johnson at 5-4201 if you would like more information or want to cosponsor the bill.

Sincerely,

A handwritten signature in black ink that reads "Sam".

SAM JOHNSON
Member of Congress