



FRED R. CONRAD / THE NEW YORK TIMES

Autistic children are the only people in Canada whose core needs are not covered by the health-care system.

It's time for the health-care system to help autistic kids

The Supreme Court has an opportunity to make it happen



JOHN IVISON
on autism funding

When Paul Martin called the general election at the end of May, he stood in the sunshine on the steps of Rideau Hall and contrasted Canada with the United States. "You cannot have a health-care system like Canada's, you can't have social programs like Canada's, with taxation levels like those of the United States ... Canada is too strong a country to set out a future that would, inevitably, lead us to abandon the more vulnerable among us."

The Prime Minister may want to re-read those words in advance of an impending Supreme Court ruling on the provision of treatment for children with autism. While Martin played on the old myth of Canadians as unarmed Americans with a health plan, in reality, autistic kids would be better off in the United States, where federal legislation entitles them to receive educational therapy in public school.

By contrast, governments across Canada are fighting a bitter legal battle to ensure autistic children remain the only Canadians whose core health needs are not met by medicare.

For Alex Barclay, a logger from Powell River, B.C., Martin's words ring with hypocrisy. His 10-year-old son, Patrick, is just one of a generation of children he describes as "the orphans of the Canadian universal health sys-

tem." Barclay takes \$60,000 a year out of his own pocket to pay for the Intensive Behavioural Intervention therapy that helped his son turn from being an aggressive, uncommunicative child who harmed himself, into a boy who has developed speech and is now back in school full-time.

"There is now significant hope that Patrick will be able to avoid lifelong placement in institutional care, that he will be able to benefit from regular education services, maintain a social life and, most importantly of all, have choice and freedom to live an independent life as an adult," he said.

Barclay took the B.C. government to court to recover the cost of Patrick's treatment and the case was heard by the province's Supreme Court in September. "We're awaiting a decision [but] the cost of Patrick's treatment and the cost of litigation has left us broke, with our credit exhausted, and we wait teetering on the edge of bankruptcy," he said.

Meanwhile, the Supreme Court of Canada will rule as early as next month, in a widely anticipated decision about whether the Constitution requires governments to fund programs for children with autism.

IN REALITY, AUTISTIC KIDS WOULD BE BETTER OFF IN THE U.S.

The court battle is the culmination of a six-year struggle by four B.C. families after the government there refused to fund a particular treatment. The parents won their case in a lower court in their home province, where the court argued that the government violated the Charter of Rights and Freedoms.

For the provincial and federal governments, the case is simple. Governments are elected to make decisions about spending priorities and the court should not be demanding the creation of expensive social programs they say they cannot afford.

Provinces worry that if the Supreme Court rules against them it could open the floodgates to lawsuits from people with a variety of other disorders, including dyslexia. Parents counter that dyslexia is a learning disorder, while autism is a medical condition, and it shouldn't be hard to distinguish between the two.

While it would be regrettable if the courts end up as policy-makers, in this case it would be justifiable — the Supreme Court is the interpreter of the Constitution and has a duty to intervene when the rights of Canadians are being breached. And it seems pretty clear that governments of all stripes have been discriminating against autistic children and their parents.

If the court does uphold the B.C. decision that autism treatment is medically necessary and should be supplied by the health-care system, provinces and the federal government will be left scrambling to come up with a response.

One suggestion from Senator Jim Munson is a national program to treat autism. It is a development that appears long overdue.

To suggest, as the bureaucratic defenders of the purse-strings do, that we as a society cannot afford such a program more accurately suggests our priorities are seriously askew.

We had a \$9-billion surplus this year. In this space last week, I detailed how the Department of Heritage was seeking authorization for an extra \$100-million to fund, among other things, such titillating television fodder as *Naked Josh*, *Show Me Yours* and *G-Spot*. Is that really what Canadians want to spend their tax dollars on — or would they perhaps prefer that the health and well-being of their children come first?

In the manner of Christopher John Francis Boone, the 15-year-old autistic hero of the book *The Curious Incident of the Dog in the Night-Time*, it is enough to make you want to put your hand over your ears, curl up in a corner and do groaning.

National Post

jivison@nationalpost.com