INFECTIOUS DISEASE

Quebec reports *C. difficile* mortality statistics

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Quebec's Ministry of Health reports that 165 patients died after contracting *Clostridium difficile* infection in hospitals across the province from late August to December 2004.

The province released its third surveillance report concerning *C. difficile* in June. It relied on statistics submitted by 85 of 88 participating hospitals (regional details are posted at www.cmaj.ca).

From August 22 to December 11, *C. difficile* directly caused 71 deaths and contributed to 94 others, the report says. Another 126 patients had to undergo colectomy, and 399 patients were admitted to ICUs.

The mortality rate among the 1812 *C. difficile* cases reported during that period was 9.1%.

The province also reported that in 12 hospitals studied by Dr. Vivian Loo, director of infection control at the McGill University Health Centre, *C. difficile* infections were down by 40% in early 2005, over the same period in 2004.

The stabilization of those results over the course of the winter has demonstrated that prevention measures taken by infection control teams in those hospitals are working, Dr. Alain Poirier, Quebec's top public health official, said in a news release.

"The simple fact of publishing these figures on a regular basis … has already resulted in an extremely beneficial modification of the culture to reinforce best clinical practices and to better control nosocomial infections," Poirier said. — *Laura Eggertson*, CMAJ

CANADIAN MEDICARE

Supreme Court strikes ban on private health insurance

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In a decision that opens the door to more privatized health care, the Supreme Court has ruled 4–3 in favour of a Quebec patient and doctor who challenged the province's ban on private health insurance for medically necessary services.

The case involved Quebec doctor Jacques Chaoulli and his patient George Zeliotis. They argued that Zeliotis's year-long wait for a hip replacement in 1997 violated his right to life, liberty and security under the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms.

At issue was whether the prohibition on private health insurance contained within Quebec's Health Insurance Act and Hospital Insurance Act were justifiable protections of the public health care system or whether they deprived individuals of a basic right.

The court split over whether the law violated Canadian Charter rights, but 4 justices decided June 9 that it did violate Quebec's Charter.

The Supreme Court ruled that Quebec's prohibition on private medical insurance "impinges on the right to life, liberty and security of the person in an arbitrary fashion that fails to conform to the principles of fundamental justice."

The judgment stated: "Inevitably, where patients have life-threatening conditions, some will die because of undue delay in awaiting surgery."

It further stated that "[t]he right to life and to personal inviolability is therefore affected by the waiting times."

CMA President Dr. Albert Schumacher called the ruling "historic."

"In essence, the court has agreed with our fundamental position that Canadians have the right to timely access to health services," said Schumacher.

Both Prime Minister Paul Martin and Justice Minister Irwin Cottler insist that the ruling does not jeopardize medicare.

Martin said the ruling applies only in a provincial context. "We're not going to have a 2-tier health care system in this country," he told reporters.

Canapress

Dr. Jacques Chaoulli celebrates the Supreme Court decision.

"Nobody wants that."

But lawyers quickly predicted a spate of lawsuits in other provinces aimed at similar legislation there — and the Canadian Taxpayers' Federation encouraged people to come forward to challenge similar laws.

"This is the end of medicare as we know it," said John Williamson, speaking for the federation. "This is a breach in government monopoly on health care in this country." — *Laura Eggertson*, CMAJ