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## **EDITORIAL**

# **Judge slaps government**

The short-sightedness of government decision-making was borne out this week when a Supreme Court justice found the province has discriminated against society's most vulnerable.

Justice Mary Ann Allan ruled the province's failure to fund the only treatment for autism many parents and doctors say is effective violates the Charter of Rights.

Four parents sued the province on behalf of their autistic children to receive government assistance for the highly effective, but costly, Lovaas treatment program.

The decision comes as a mixed blessing for a Penticton mother who led a lengthy campaign to restore funding for her autistic child.

Barbara Rodrigues collected signatures, created a Web site and picketed on a daily basis for weeks after funding for her son Jeremy was cut off by what could only be seen as retribution for the lawsuit with which she was not associated.

She and her husband Joe have been forced to spend their savings and borrow money to keep Jeremy in the Lovaas program, which has been shown to allow up to half of those treated to lead a relatively normal life. Other parents have been forced to stop the program.

The province had contended that studies purporting to demonstrate the effectiveness of Lovaas autism treatment have serious flaws and that it is still an experimental therapy. And it was argued court orders to require specific medical treatments could lead to a checkerboard effect in the medicare system with some services constitutionally entrenched and others de-listed.

Justice Allan dismissed such arguments, and though she could not quantify a cost-benefit analysis that suggest more than a million dollars is saved for each autism suffered who responds well to treatment, she sided with the parents in the broad sense.

"It is apparent," she stated, "that the costs incurred in paying for effective treatment of autism may well be more than offset by the savings achieved by assisting autistic children to develop their educational and societal potential rather than dooming them to a life of isolation and institutionalization."

She went on to dismiss the potential for "catastrophic results to the health care system," and stated "if there is a constitutional violation that must be redressed, a remedy can be fashioned without the wholesale destruction of the governments medicare system."

Both sides agree the window of opportunity to help youngsters who suffer from autism is small. The province no longer has any excuse to ignore those who cannot speak for themselves. For their sake, if not for the taxpayer's, it must do the right thing and immediately provide funding where prescribed.