

# **Broken Promises**

**The BC Liberal betrayal of children with autism**

**September 2001**

Families for Early Autism Treatment of British Columbia

## Broken Promises: The BC Liberal betrayal of children with autism

*“Restoring public trust and confidence begins  
with government keeping its word.”*

Premier Gordon Campbell, August 29, 2001.

For BC children afflicted with autism — and their families — restoring honesty and integrity in government is *desperately* needed after a decade of cynicism and corruption. Unfortunately, there is a mounting body of evidence showing the new government has quickly and fully reversed its position on autism and betrayed children in the process. With great dismay, families afflicted with autism more and more are viewing the past and present governments as ‘Twiddle Dee and Twiddle Dum’ where autism policy is concerned. Why has *all* NDP autism strategy been fully adopted by the BC Liberals, after rightfully fighting against it and vehemently criticizing it in Opposition? Are the NDP’s civil servants still deciding government policy? Why is the \$19.85-million MCFD autism program *exempted* from the full scrutiny of the Core Review? How did the same so-called ‘EIBI’ program the BC Liberals once denounced suddenly become immune from criticism?

This brief chronicles promises made to children with autism while the BC Liberals were the provincial Official Opposition, and how those same promises have been reversed with *astonishing* rapidity since the party became Government. For 90 days the BC Liberals have made good on many campaign promises. Are we to conclude that the most defenceless members of society are the ones to whom the government feels justified in breaking its word? Why is it that on every issue relating to the long running autism dispute, the new government has not only not kept a single promise, it is actually working in the *opposite direction*.

The autism controversy in BC is no longer merely about universal access to effective, science-based autism treatment, and the continuing violation of the charter rights of innocent, suffering children. The dispute has now become a test of honesty and integrity in government.

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### I. The NDP appeal of the Auton case

#### Pre-election:

*“The NDP decision to appeal the recent ruling of Madam Justice Allan reflects a government that has consistently failed to act in the best interests of children.”* — Gordon Campbell, October 18, 2000, in a letter to a concerned parent

*“It’s time for the government to stop hiding behind the courts. Let’s get on with providing treatment to children with autism as the courts have ordered.”* — Colin Hansen, now Minister of Health Services, September, 2000.

*“I think it’s disgraceful that the government has decided to drag this through the court for many, many more months when the courts rightfully ordered the government to provide the service that was necessary to those children.”* — Christy Clark, now Deputy Premier and Minister of Education on CBC Radio’s Canada Now.

*“This [the appeal] disgusts me completely. I’m so mad. The Government should make the decision to fund.”* — Rich Coleman, now Solicitor General, September 5, 2000 in the Langley Advance News.

*“The decision to appeal is shameful. It’s not only shameful, it’s unconscionable. There should be a tremendous public outcry over this.”* — Lynn Stevens, now Minister of State for Women’s Equality, in the Langley Advance News, September 5, 2000.

*“I am appalled with the lack of government understanding of a program that has been proven to help these children. To deny children a quality of life otherwise unattainable, condemning them to a life sentence in an institution, this is a negligence which should be considered criminal. How can we deny a child our help, when we know a proven treatment method?”* — Ted Nebbeling, now Minister of State for Community Charter, June, 1998

#### Post-election:

The BC Liberals are continuing the appeal of the landmark BC Supreme Court ruling (Auton et al v AGBC et al, July 2000), and they are still NOT funding the autism treatment they demanded while in Opposition. The same legal appeal which was “shameful” and “unconscionable” and “disgusting” to Liberals during the election campaign is now fully supported by the Liberal Attorney General, despite Deputy Premier Christy Clark recently telling school trustees the appeal would be dropped.

Universal health care is currently enjoyed by all British Columbians, *except* children afflicted with autism. No effective treatment for autism is publicly funded, despite a BC Supreme Court ruling that medically necessary autism treatment *must* be publicly funded. NDP-hired lawyers continue delaying tactics that inflict more and more horror on children whose window of opportunity for improvement is tragically small. NDP-assigned bureaucrats continue to turn a deaf ear to pleas for help from parents, while still peddling waiting lists for so-called “programs” discredited by Justice Allan in the Auton decision. And the Liberals, now firmly in control of the reins of power, allow this to continue.

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The question which remains is why? It would appear that government health bureaucrats are struggling to ensure the courts do not ‘look over their shoulder’ to rule on unconstitutional health care policies, that providing health care to children with autism would set a ‘bad’ precedent. What has likely been left out of the Ministerial briefings by civil servants is that a BC Supreme Court ruling of ‘direct discrimination’ is not easily achieved. But when it *is* proven, government should embrace health care reform instead of dispatching lawyers to file an appeal. The autism appeal has not been ‘dropped’, as promised. It is being prosecuted with a vengeance equal to that of the NDP who started it.

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## **II. The NDP’s sham autism “program” — PCARD/EIBI**

### **Pre-election:**

*"The government's recently announced pilot project for children with autism is far from adequate, and only came on the eve of a court action."* Linda Reid, now Minister of State for Early Childhood Development, Official Opposition News Release, July 28, 2000.

### **Post-election:**

*"The work that went into crafting the Early Intensive Behavioural Intervention programs, I believe is sound."* Linda Reid, CKVU-13, August 17, 2001.

The BC Supreme Court ruled that one autism treatment, “Early Intensive Behavioural Treatment” is “uniquely effective” and medically necessary (‘EIBI’). As a result, the NDP government simply renamed PCARD into EIBI. What MCF Critic Linda Reid once referred to as “far from adequate” is now being heralded as the Liberal answer to the autism problem — at a cost of nearly \$20 million.

The BC Liberals promised that *all* NDP programs would come under a Liberal ‘Core Services Review.’ Then why is the NDP’s made-for-court ‘EIBI’ *the only NDP program exempt from the Liberal Core Review?* Why is MCFD’s special needs department the exclusive safe harbour for costly, ineffective NDP policy? Why is this stunning example of NDP snake oil suddenly a sacred cow, while consuming \$19.85 million in tax dollars for the same ineffective autism services *which were discredited across the board in the BC Supreme Court.*

### **Honorable Linda Reid: NDP Policy Booster?**

Shortly after taking the Oath of Office, Minister of State Linda Reid fully reversed her stance regarding NDP autism policy. Why does she now unequivocally support the same NDP program she called “*far from adequate*” while she was Opposition Critic for the Children’s Ministry?

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Minister Reid now says it offers a legitimate “range of treatment” and that “these programs are brand new” (Victoria Times Colonist, August 12, 2001). She does not explain why there is not a single credentialed medical expert in autism involved in this so-called program, nor why the groups being handed the money to create the program are *the same ones discredited in BC Supreme Court, and formerly criticized by the Liberals in Opposition*. Reid says there will be an ‘evaluation’ of this program to provide the “research base that critics argue is lacking.” What she fails to mention is that the ‘evaluation’ is being done by the same people at UBC who *developed the program for the NDP*. This is the same UBC whose ‘expert’ testimony was criticized by BC Supreme Court Justice Marion Allan as being heavily biased in favor of the government. The evidence suggest MCFD’s ‘evaluation’ of the pilot is simply a way to legitimize an ineffective, made-for-court autism program. It should be noted the \$1.2 million MCFD contract to ‘evaluate’ the sham program was awarded *without tender*. (See <http://featbc.org/contract.html>)

As of August 2001, the so-called EIBI program only includes about 12% of children with autism aged 5 and under, and totally excludes ALL children 6 and older. The contracts already granted to these so-called service providers budget \$60,000 per child for 20 hours per week of ‘treatments’ which have no scientific legitimacy behind them. It should be noted that \$60,000 will easily pay for 40 hours per week of the only known treatment program PROVEN to effectively treat autism. Before the election, the Liberals demanded the NDP fund this medically-necessary treatment without delay. Since the election, they have not only NOT made good on their promises, they are instead perpetrating the same lies on the public that the NDP coined for them.

### **The autism ‘Pilot’: Secret NDP Court Strategy**

On Friday April 7, 2000, Deputy Minister Mike Corbeil announced the pilot project in the Vancouver Sun. The 11-day Auton court hearings were to begin the following Monday. Corbeil said MCF had been working on the pilot since the Fall of 1999 — the Auton case was filed in August 1999. Despite alleged ‘months’ of work, its existence was kept secret until the weekend before the Auton court hearings began. It is reasonable to conclude the NDP believed the autism pilot was a strategic legal asset in fighting to continue their systematic discrimination against children with autism

After being found guilty in BC Supreme Court of violating the rights of children with autism, the NDP renamed their failed excuse of a ‘pilot project’ into ‘P-CARD,’ or the Provincial Centre for Autism and Related Disorders. They then submitted the *same* pilot as a ‘remedy’ in court. When the final judgment on remedy was handed down in February 2001, MCF renamed the autism pilot for a *third* time, in order to better fit the judgment. MCFD now calls their \$19.85 million boondoggle the ‘EIBI’ program, although it has the *same structure and the same service providers as the original, ‘far from adequate’ pilot project*. Strategic semantics were a classic NDP specialty, but Liberals should not be playing this game with the health and well-being of disabled children, particularly after three years of promises to help them. True early intensive behavioral treatment is defined by Applied Behavioral Analysis programs, set up and monitored by trained professionals with years of experience, individually created for the individual child. The Liberals’ EIBI program is an excuse, a sham, and a travesty. Changing the labels on a gumball machine will NOT turn it into a useful piece of medical equipment. This is snake oil sales of the worst kind, for its victims are defenseless children who are being robbed of their chance at a healthy, happy, productive life.

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The children's ministry's EIBI contractees are also the same service providers *discredited by the Government's own expert witness in BC Supreme Court*. The EIBI program 'slips in' all of the same so-called 'treatments' rejected by BC Supreme Court as ineffective in treating autism, based on thousands of pages of evidence and testimony of many expert witnesses. These include sensory integration, speech and language therapy and occupational therapy. These MCFD 'EIBI' programs are not what the court ruled is 'medically necessary'. Incredibly, the one thing missing from the \$19.85 million MCFD autism experiment is *genuine* Intensive Behavioural Intervention

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### III. Autism is a medical condition, *not* a social problem

#### **Pre-election:**

*"The Official Opposition agrees that autism is a medical condition requiring medical intervention and that government has a responsibility to fund effective treatment."* — Gordon Campbell, October 18, 2000, in a letter to a concerned parent

*"It is time for government to recognize that autism is a health issue and ensure that proper treatment is provided."* — Colin Hansen, now BC Minister of Health Services, on November 1, 2000, in a letter to a concerned parent.

*"Is it a health issue? Most definitely. There has to be an opportunity for this government to come to grips with the urgency and the immediacy of this problem."* — Linda Reid from Hansard December 7, 2000, page 17302.

*"I am just not going to stop. I believe we have to make the switch from Children and Families to Health to ensure long-term care for these people without having to take them out of our society one of these days and put them in an institution where they will wither away."* — Ted Nebbeling, now Minister of State for Community Charter, in Hansard, June 5, 1998.

*"Dr. Thomas Barnett, who is the child psychiatry representative on the B.C. Psychiatric Association, described the transfer of child and youth mental health programmes from MOH to MCF in 1997 as "an expensive experiment gone wrong." At the community level, he sees no benefits resulting from the transfer, in large part because the individuals who make policy within MCF and determine what services are available for autistic children lack training in psychiatry, psychology or behavioural intervention."* — from the BC Supreme Court judgment in the case of Auton et al v. AGBC, July 2000.

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### Post-election:

It's been said that the transfer of mental health responsibility from MOH to MCF under the NDP was a strategic maneuver to 'download' costs to the newly created Ministry for Children and Families. After the election, the Liberals actually did begin work on the much-needed transfer of mental health responsibility for children back to the Health ministry. This transfer initiative had support amongst leading BC mental health professionals, including prominent BC psychiatrists, but after intense lobbying by MCFD civil servants and the multi-million dollar contracted special needs services industry, Minister Hogg suddenly called off the move. The illogical, ineffective, self-serving NDP view that social workers should be in charge of autism health care is now embraced as Liberal policy. And the same discredited 'service providers' receive millions of tax dollars, while children with autism remain untreated.

The previously often stated Liberal position that autism is a health issue, together with the electoral promise to meet their "legal duties under the Canada Health Act" means the BC Liberals pledged to respect the law, and to finally allow children with autism their rightful access to a health care system that provides Court-affirmed, '*medically necessary*' autism treatment. The Liberals promised to fund ALL medically necessary services if elected. They are now steadfastly refusing to live up to their promises.

"All medically necessary services" includes, by definition, the effective autism treatment declared by the BC Supreme Court to be 'medically necessary.' While the Liberals and their NDP-hired lawyers now see fit to challenge the court's authority to declare what is medically necessary, their appeal of the Auton ruling does not block the effect of the court's declaration. Consequently, science-based autism treatment has been, and remains, medically necessary by law. Every day that passes without publicly funded health care for autism is another day the BC government continues to violate the rights of suffering children under the Charter of Rights and Freedoms. For these, our children, the Liberals 'New Era' has amounted to little more than empty words, and broken promises.

*"It has been said that a government should be judged on how they treat the most defenseless members of society, The current NDP government has failed children with autism and their respective families."*

Rick Thorpe, now Minister of Competition, Science and Enterprise,  
in September, 2000

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For more information on autism, Lovaas Treatment, and Families for Early Autism Treatment of BC (FEAT BC), call Dr. Sabrina Freeman at (604) 534-6956, email [info@featbc.org](mailto:info@featbc.org), or visit the website at <http://www.featbc.org>  
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