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THE GLOBE AND MAIL

CANADA'S NATIONAL NEWSPAPER



HEALTH CARE



His best hope for survival was in the hands of a U.S. surgeon - but Ontario refused to pay. Now the province has been told to cover the costs, paving the way for others to leave Canada to seek the best care

BY LISA PRIEST HAMILTON

Brad Remigis, a healthy 18-year-old working toward a law career, was suddenly experiencing double vision and one eye that would not look left. His diagnosis - a bleeding lesion in his brain stem called a cavernoma - required surgery so complex even Canada's top doctors had performed it only a handful of times. At a consultation, he was told it was "too risky" to operate.

A second bleed prompted a search for the world's best

neurosurgeon, which ended with Mr. Remigis on an operating room table in Phoenix. The Ontario Health Insurance Plan refused to pay for his care, saying surgery could have been done in Toronto, with no delay. But for the Remigis family, the issue was expertise: Brad's best chance of survival rested in the hands of one doctor in the United States. So his parents remortgaged their home and cashed in their life savings to pay for the surgery, while friends held fundraisers.

Now, in a landmark decision, Ontario's Health Services Appeal and Review Board has ruled that the superior skill of a surgeon justified treatment in the U.S., and ordered the provincial government to pay all the family's care costs, estimated at \$200,000. The decision has also opened the door to patients with relatively rare conditions to seek out doctors with the most expertise and have that treatment covered by the government.

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I want other people to know to not give up hope.

Brad Remigis, who went to Phoenix for complex surgery to treat a bleed in his brain.

GLENN LOWSON FOR THE GLOBE AND MAIL

THE ECONOMY

EU crisis threatens Canada's recovery

'Canada is not an island,' Flaherty says as fears of contagion threaten to stifle strong rebound

BY BRIAN MILNER TORONTO AND BILL CURRY ZAGREB

Canada's strong recovery from recession is now clouded by Europe's escalating troubles and their potential impact on a still-fragile global financial system.

The worries have spooked the markets and driven most currencies down. The biggest fear: that nervous banks will once again stop lending to each other, triggering a new credit freeze that strangles a nascent economic recovery.

Policy makers in Canada and other major countries have pumped billions of dollars into their economies and financial systems in an unprecedented effort to keep markets working and credit flowing and prevent deep recessions from morphing into a full-fledged global depression. Now it all threatens to come undone.

The Canadian economy created 108,700 jobs last month - more than four times as many as expected and the largest monthly gain on record. Most of the hiring occurred in the private sector, an indicator that stronger corporate profits are now translating into increased spending.

Growing global demand for natural resources and Canada's strong fiscal position has made its recovery sturdier than most. The resurgence is now spreading beyond oil and minerals to such previously battered sectors as forestry and manufacturing.

Rounding out the recovery picture, Washington also reported impressive job numbers Friday - a net gain of 290,000 in April, the biggest monthly jump in more than four years.

» SEE 'MARKETS' PAGE 2

SEC probes the plunge

Regulator's review will have major implications for Canada's shifting trading landscape.

REPORT ON BUSINESS ▶

FROM PAGE 1 » OPERATION

Odds better with U.S. doctor, appeal board told

» What the appeal board found, according to lawyer Adrian Nurse who worked the case pro bono, was that in the hands of Arizona doctor Robert Spetzler, Mr. Remigis faced a lower death and complication rate for a complex, high-risk surgery.

"I persuaded the board they should take into consideration the hands of the person actually doing the operation," said Mr. Nurse, a Hamilton-based litigator who worked on the case for more than two years. "The room for error was so small that if there is a problem, his vision may be gone, his breathing may be gone and his heart may stop. ... A life was at stake."

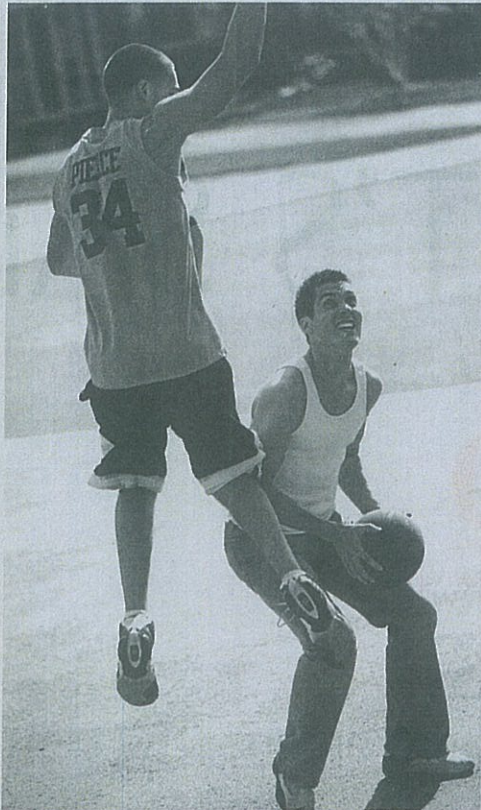
Perry Brodtkin, a health lawyer in private practice who was the sole lawyer for OHIP from 1973 to 1991, said the decision opens the door for other patients with rare conditions to have the care of an expert funded, if they have exhausted all other avenues in Ontario.

"It's the first time I've seen where the board has said you can go to the world expert because you properly prepared and presented your case," Mr. Brodtkin said, noting the decision would not apply to routine procedures.

More broadly, the case suggests Canadians should be savvier before going under the knife, asking doctors how many of a given operation they have performed, and their death and complication rates. It also raises a delicate debate: How many operations does a surgeon have to perform to be considered proficient?

Even Dr. Spetzler, who operated on Mr. Remigis in Phoenix, could not answer that question with certainty.

"How many times do you have to hit a tennis ball to be-



Brad Remigis, 24, right, plays basketball with his brother Andrew this week in Hamilton. GLENN LOWSON FOR THE GLOBE AND MAIL

come a superb player?" he said in a telephone interview from Phoenix. "I don't think we can really put a number on it."

On a recent sunny spring afternoon, Marty and Leslee Remigis watched their now 24-year-old son shoot hoops in their Hamilton driveway, hav-

ing just completed his first year of law school.

It has been a long road back. After Brad's second bleed, in June of 2005, Toronto neurosurgeon Mike Tymianski did not recommend surgery - but Dr. Spetzler did.

"With each bleed, you have further damage to the brain

I persuaded the board they should take into consideration the hands of the person actually doing the operation.

Adrian Nurse,
lawyer for Remigis family

stem ... some of which is irreversible" Dr. Spetzler said.

"It was very overwhelming," Ms. Remigis said. "The anxiety of not knowing what was going to happen to my son. ... It was like a time bomb waiting to go off."

Friends and family banded together to hold several fundraisers. Marty and Leslee spent hours on the Internet, trying to figure out what to do after receiving the conflicting advice.

"I really was in a panic," Ms. Remigis said.

It wasn't until a third bleed of the cavernous malformation in July, 2005, that another Toronto neurosurgeon, Dr. Chris Wallace, recommended surgery. (Dr. Tymianski was on vacation.)

Marty, a barrel-chested man with a precise nature, asked questions about the two surgeons' experience: He had been told that Drs. Wallace and Tymianski had performed three and six such operations respectively. The family chose to take on the cost of travelling to Phoenix to have Dr. Spetzler, who had at that time performed more than 200 such operations, remove the small mulberry-sized lesion from Brad's brain stem.

Though the family declined to say how much the care cost, experts pegged it at about \$200,000.

Neither neurosurgeon testi-

fied at the Remigis hearing but Charles Tator, who works with both surgeons at Toronto Western Hospital, did. He did not provide figures to dispute the number of brainstem cavernoma operations Drs. Wallace and Tymianski had completed, but said he believed three was enough to make a surgeon proficient, given their experience in that area of the brain.

Dr. Wallace said he has been happy to do follow up treatment, which the Remigis family described as excellent.

"I have no trouble with a Canadian individual wanting more than the Canadian health care system can provide, but that operation could have easily been done by Dr. Tymianski or myself," he said, adding he thought that together they had done "way more" than nine brain stem cavernoma operations as of 2005.

Ontario Health Ministry spokesman Andrew Morrison said the government is abiding by the decision to reimburse the family for the "rare and unique" operation but could not speculate on what would happen with future cases. Lori Coleman, registrar of the Health Services Appeal and Review Board, declined to comment on the ruling.

As for the patient, Brad Remigis says life is good. At 6 feet 2 inches tall, he looks like the picture of health. He has had two operations on his left eye, which has improved the double vision he sometimes experiences.

The ordeal, he said, has taught him the importance of a champion - like the ones he had in his lawyer and parents. He hopes that by becoming a lawyer, he can help others the same way.

"I want other people," he said, "to know to not give up hope."

RARE ABNORMALITY

What is a cavernous malformation?

An abnormal vascular entity resembling a small mulberry or raspberry - on an MRI it can look like a piece of popcorn - made up of several compartments. They are relatively rare, afflicting 0.1 to 0.5 per cent of the population.

How do they develop?

In most cases, they develop spontaneously, but in some cases, they are inherited.

After one bleed, what happens?

Typically, one-third of patients fully recover, one-third do not recover at all, one-third will partly recover.

What is the treatment?

If there are no symptoms, there is usually no intervention. However, if they bleed or cause symptoms, surgery can be offered.

What are the risks of surgery?

Death, coma and paralysis are some of the main complications so it is a question of balancing the risks of operating with the risks of watching and waiting.

» Sources: www.brain-aneurysm.com, Merck Manual online medical library

Education and Seminars

CANADIAN FORCES