

proviso that administration of state-aided health insurance should "be put into the hands of a non-political independent commission on which the medical profession is adequately represented by its own representatives elected by and responsible only to the College of Physicians and Surgeons of Saskatchewan."

This is a far cry from a commission directly responsible to government and only government. The doctors also said they had not been consulted and that the proposed act contained two clauses capable of providing absolute control over them and their patients.

Influences in the background were the changed economic and political climate of 1962. The Depression had passed, the war was over, the province's economic situation had improved, the Cooperative Commonwealth Federation Government had been in power for 18 years and many of its good measures had become part of the scenery while some of its more irritating and restrictive measures were chafing people ripe for political change.

Doctors had accepted salaries or subsidies to work in small communities otherwise incapable of supporting them, but their contracts had been with local governments. This kind of ad hoc local situation was different from the entire profession in the province agreeing to work under a centrally administered plan, especially one seen to hold the potential for putting all doctors on salary and dictating their terms of work.

Dr. Dalgleish, who led the profession through the crisis, told

the CCF's annual convention then that the doctors had first seen the draft legislation in October, 1961, and considered it "not a device to provide medical services insurance, but a measure which should be used to control medical doctors and their patients."

The first provision of the Medical Care Insurance Act to which the profession objected empowered the Commission to prescribe "the terms and conditions on which physicians and other persons may provide insured services to beneficiaries." The second declared the commission the agent of the insured person for all purposes, able on his behalf to enter into agreements, take court action and pay the doctor.

The Government offered to change the legislation by regulation passed by order-in-council permitting doctors to be paid by the patient, who would then claim reimbursement from the medical plan.

The profession rejected this, because it said an act cannot be changed contrary to its intent by regulation, only by new legislation, otherwise it could be changed back again by new regulations at government whim. The doctors also claimed that the reimbursement mechanism did not really allow them to practice outside the act, because they would still have to supply information to enable the patient to claim from the plan. They would therefore still be providing an insured service and would continue to come under present and future regulations of the Act governing the practice of medicine in Saskatchewan.

Later, E. A. Tollefson, who was then assistant professor of law at the University of Saskatchewan, wrote in the Saskatchewan Bar Review that the dispute arose largely through failure of both sides "to understand the intricacies of our legal system."

He said the Government proceeded without consulting the legal counsel of the college "with a view to embodying in the act, clearly and decisively, protections for the independence and the integrity of the medical profession." The doctors, on the other hand, "have not only given the act the most perverse interpretation conceivable, but have failed to appreciate the constitutional rights and obligations of a minority group in a democratic society. The failure to give the act a reasonable interpretation and to distinguish possibility from practical probability in its operation is a failure to understand how our courts operate in constructing the law."

At the time without the benefit of hindsight or time for considered analysis, the interpretations precipitated a struggle finally resolved when Lord Taylor was brought in as a consultant and remained to mediate the crisis, which ended with the Saskatoon Agreement of July 23, 1962.

A British doctor and formerly a Labor member of Parliament, Lord Taylor is now president of Memorial University of Newfoundland. A huge, rumpled man, shrewd and imperturbable, he brought a note of sanity to the tense situation, wandering back and forth chewing on his pipe from the college to the Cabinet.