

**House of Commons**

Room 649D Centre Block  
Ottawa, ON K1A 0A6  
Tel: (613) 992-2919  
Fax: (613) 995-0747

**Chambre des communes**

Piece 649D, Édifice du Centre  
Ottawa, ON K1A 0A6  
Tel: (613) 992-2919  
Fax: (613) 995-0747

## Charlie Angus

Member of Parliament for Timmins - James Bay  
Député de Timmins - Baie James

**Timmins**

202-60 Wilson Avenue  
Timmins, ON P4N 2S7  
Tel: (705) 268-6464  
Fax: (705) 268-6460

**Kirkland Lake**

201-30 Second Street  
Kirkland Lake, ON P2N 3H7  
Tel: (705) 567-2747  
Fax: (705) 567-5232

---

Minister of Health Jane Philpott  
Confederation Building Room 162  
House of Commons  
Ottawa, Ontario Canada K1A 0A6

February 17<sup>th</sup> 2016

**RE: Case of Indigenous Youth Requiring Specialized Dental Care**

Minister Philpott,

I am writing to follow up on the case of the young teenager who was denied emergency dental treatment on three rounds of appeals. In looking into her case I was shocked to learn that denial of medical and orthodontic procedures for Indigenous children appears to be a matter of standard practise within your department. In fact, the very same day that she was denied her third round of appeals, the Human Rights Tribunal ruled that the Federal government systematically discriminates against Indigenous youth in denying them services.

While I am pleased that your officials are at least reviewing this individual case, I recognize this does not guarantee a positive resolution for her or for the other children who have been denied care. It shouldn't take pressure in the House of Commons to ensure that Indigenous youth are able to access medically necessary support. And so I am writing to you about her case as an example of the larger systemic problems facing Indigenous children in accessing health services. Rather than having to fight these issues on a case-by-case basis, I am wondering what departmental steps will be taken to be in compliance with the legal obligations from the Human Rights Tribunal findings.

This youngster's story is tragically typical of too many other First Nations youth across Canada. In October 2008 she had an ochlear tumour removed and the surgeon prescribed special drops to ensure she wouldn't lose sight in her eye. Health Canada overruled the surgeon telling the family she could make do with Visine.

Then recently, this same young person was diagnosed with severe tooth and jaw issues. An orthodontist stated that she needed immediate preventative treatment and that if left untreated, her condition would require surgery in the future. She has been in extreme discomfort and pain. The family also went to another pediatric specialist in orthodontics to receive a second opinion. They were told by the second specialist that the case was worse than they initially thought and identified her condition as a "severe and functionally handicapping malocclusion". If no action was taken, her teeth would fall out and she would require specialized surgery. Yet your officials denied this intervention through three rounds of appeal.

In looking over the charts of this young woman and reading the criteria for eligibility from your department, it is hard not to question the arbitrariness of the department's position. I am not a specialized orthodontist, however, I can see from the dental reports that the pediatric orthodontist states she has a severe overbite with evidence of >2/3 deep overbite impingement that could lead to the loss of teeth. I mention this because **your guidelines clearly state as clinical criteria for coverage: "Severe overbite with evident soft tissue injury (> 2/3 overlap with impinging of the palate)."**

And while I am not an expert I also understand this clear opinion from the pediatric orthodontist:  
*"Without immediate and strategic treatment, (patient) will face long term consequences, including but not limited to chronic pain, difficulty eating, and potentially difficulty speaking. I am of the medical opinion that given her severe and functionally handicapping malocclusion, (patient) is an ideal candidate for braces and orthodontic treatment. Without it she will face ongoing and long term medical issues."*

Two different specialists examined this young woman in person and both recommended a treatment that the department has overruled on the basis of paperwork, despite the fact that she met the criteria laid out in your departmental guidelines. Furthermore, the preventative treatment will cost less than the cost of surgery that will be required down the road. And yet, the department has denied all three of her appeals.

I appreciate that you directed your department to speak to my office on this specific case. It is welcome that the department agreed to share with us their records on this case, and that they agreed to consult the treating orthodontist before finalizing their final decision. However, I am concerned that her case is still in limbo after being denied three times and I am extremely concerned that this government does not truly understand the transformative work that lies ahead.

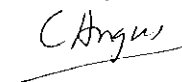
I think if you look over the denial rates within your department you will have a hard time giving any credibility to the claim that these cases are reviewed in any manner that puts the interests of the child first. In 2012-13, 80% of the level one orthodontic appeals were denied. The department rejected 99% percent of the Level 2 appeals and denied a full 100% of the level three appeals. How can you look at these numbers and not admit that Indigenous youth are denied as a matter of policy?

The Human Rights Tribunal's decision is legally binding and calls on your government to end the systemic practise of denying proper services to Indigenous youth. Your government has yet to state unequivocally that it will not appeal the ruling, but, we know that appealing the ruling is only one way to fight it. Another option is the continuation of entrenched departmental practises to fight First Nations children in the bureaucracy on a case-by-case basis.

My office and these children do not have the resources to fight the bureaucracy on a case-by-case level. This is why I am writing to you asking for a firm commitment that your government will respond to the court ruling by ending these entrenched practises of denial. This will require the immediate implementation of the full meaning and scope of Jordan's Principle for all Children.

I look forward to a positive decision in this young person's case. I look forward to working with you to end the practises of denial and obstruction that has left too many Indigenous youth without the support to which they are entitled.

Sincerely,



Charlie Angus  
MP Timmins-James Bay