

PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated December 23, 2011 which denied the appellant's request for a supplement to cover the cost of repairs to a Remote Parker 420 Tub. The ministry found that the item requested was not previously provided by the ministry and it is not listed as an eligible item in Schedule C or pursuant to Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), and the appellant is not eligible for a supplement pursuant to Section 69 of the EAPWDR.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Sections 57, 62 and 69 and Schedule C, Sections 2, 2.1, 2.2, 3, 3.1 to 3.11, 4, 4.1, 5, 6, 7, 8, 9

PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) Invoice from a supplier to the ministry dated September 12, 2011 for service labour and travel for repairs to Remote in the total of \$486.12 marked "paid";
- 2) Letter dated September 14, 2011 from the appellant's mother /advocate requesting authorization for the repair of the bath unit required for the appellant's bath and stating in part that the appellant lives with cerebral Palsy and his body deteriorated to the point that he could not bath or shower in the wheelchair shower unit that was installed for him; in 2008 Community Living B.C. installed the bath for the appellant, through the Foundation; the battery now requires replacement, thus the repair quote;
- 3) Letter from the ministry to the appellant dated November 15, 2011 advising that his request for repairs to the Remote Parker 420 Tub had been denied as the Tub is not an eligible item that the ministry would purchase;
- 4) Invoice from a supplier to the appellant dated November 17, 2011 for a control box battery Parker in the total of \$539.74; and,
- 5) Request for Reconsideration- Reasons.

The appellant did not attend the hearing but a Release of Information form was provided authorizing his mother to attend the hearing and make decisions on his behalf. A copy of a Representation Agreement dated January 22, 2003, appointing the appellant's mother as his representative for health and personal care as well as for financial and legal affairs, was also provided.

Prior to the hearing, the appellant's mother/advocate provided an additional letter dated November 7, 2006 to the Foundation from an occupation therapist and outlining the appellant's physical environment and information, his transfers and equipment, and recommendations. The ministry did not object to the admission of this letter but clarified that only repairs to the Tub are at issue. At the hearing, the appellant's advocate also provided a letter dated January 18, 2012 from an occupational therapist 'To Whom It May Concern' in part describing the features of the Arjo Parker bathtub. The ministry had no objection to the admissibility of this letter. The panel reviewed the documents and admitted them as providing information regarding the appellant's need for a Remote Parker 420 Tub and the features of the Tub, and being evidence in support of the information before the ministry when the decision being appealed was made, pursuant to Section 22(4) of the Employment and Assistance Act.

The letter from the occupational therapist (OT) dated November 7, 2006 states in part that, given the appellant's physical circumstances and environment and his existing transfers and equipment, the recommendations are for: (1) a continuous track lift installed on the ceiling and situated over the appellant's bed to run continuously from the bedroom into the bathroom, with a turntable to allow the tracking to go in the direction over a tub; (2) Arjo Parker 420 Tub which the appellant's parents have seen and are satisfied will meet the appellant's needs; (3) a transportable track lift installed on the living room ceiling over the appellant's easy chair, and (4) bathroom renovations which include the Arjo Tub and all the overhead lift systems.

The letter from the OT dated January 18, 2012 states in part that the appellant is not able to sit in a shower chair safely due to increased hip abduction and loss of hip range and he is not able to sit in a regular or a deep tub as he requires a high level of postural support. The Arjo bathtub was recommended as it has a seat that supports the appellant and also has the ability to recline and help the appellant maintain a safe position whilst in the water. The Arjo bathtub is medically essential to facilitate transfers of the appellant and to achieve and maintain the appellant's positioning while he is having his bath. The Arjo bathtub is a highly efficient solution for assisted bathing. The mobile aid integration means smooth transfers with no manual lifting and the appellant is lowered in/out of the tub using the overhead track lift in combination with the bath lift. The flexible reclined bath position and height adjustability assist the lift into the tub. The remote moves the tub up and down so that the appellant's seating can occur in the correct position and maintains that position during the bath, otherwise his spasticity and poor postural control would not allow him to maintain a safe position whilst in the water. The lifting mechanism of the Tub, controlled by the remote, is part of the lift system to get the

appellant into and out of the Tub. The Arjo Parker Bath functions together with the overhead lift as a bath lift and a bath seat in order to achieve and maintain optimal and safe postural control for the appellant.

At the hearing, the appellant's advocate stated that the appellant cannot take a bath without this equipment. The advocate stated that the house was built with the appellant in mind and they could no longer use the wheel-in shower and tried various other pieces of equipment, with the help of an OT, but it was not working. They finally obtained permission for the appellant to take baths once a week at a seniors centre, where the lift was modified to accommodate the appellant. The advocate explained that, over time, this option became unsafe for the appellant as well and, working with the OT, they came up with the Arjo bath unit option, which is the same as the "Remote Parker 420 Tub," or "the Tub." This Tub works for the appellant because it has lifting capacity and, with the overhead lifting system, the remote allows the Tub to be raised up to be positioned under the appellant. The advocate explained that the appellant sits on one point of his pelvic bone and this Tub is reclined back which stops him from slipping forward, which is the tendency. In the Request for Reconsideration, the advocate adds that the Tub provides the appellant with a bath seat that maintains his sitting position and prevents an otherwise possible drowning situation. The advocate states that the bath lift is also built into the Tub.

The advocate stated that the Tub was installed in their home around 2008 with funding from the Giving in Action program, through the _____ Foundation, and the appellant is currently being bathed in their home. The advocate clarified that funds were contributed from the ministry to Community Living B.C. (CLBC), which in turn funded the program through the _____ Foundation. In response to a question, the advocate stated that the process of applying for funds through the _____ program was lengthy and included the letter from the OT dated November 7, 2006, but that the ministry was not involved in this process. The advocate also clarified that approximately \$3 million was provided by CLBC to the _____ Foundation with a mandate for the program to support families to continue to live together. The advocate stated that the Tub cost approximately \$25,000 and the required renovations to their home cost about \$25,000, and the total cost was close to the maximum allowed through the program at the time.

The advocate stated that the Tub did not stop working but it started having problems and was only operating intermittently. The service person checked the different components of the Tub and repaired the remote, and then decided that the battery also needed to be replaced. The advocate explained that the first invoice for repairs to the Tub, dated September 12, 2011, was paid by the ministry but then when she requested the second repairs to the unit, the ministry told her they could not pay it and that the first invoice was paid in error. The advocate explained that unless the battery was replaced, the Tub would eventually stop working.

The ministry's evidence included that the appellant has been designated as a person with disabilities (PWD). The appellant requested repairs to a Remote Parker 420 Tub and the ministry states that it did not fund the Tub. The ministry explained that it funds several organizations but then it is not involved in the administration of those funds and any benefits distributed are not "provided by the ministry." The ministry states that the information shows that the Tub is an elaborate unit with many functions and that it is not either a bath or shower seat or a bath lift. The ministry explained that the first invoice for repairs to the remote of the Tub, dated September 14, 2011, was paid by the ministry in error as the ministry cannot pay for these repairs for the same reasons that it cannot pay for the replacement of the battery as set out in the invoice dated November 17, 2011.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision, which denied the appellant's request for a supplement to cover the cost of repairs to a Remote Parker 420 Tub because the item was not previously provided by the ministry and it is not listed as an eligible item in Schedule C or pursuant to Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) and the appellant is not eligible for a supplement pursuant to Section 69 of the EAPWDR, is reasonably supported by the evidence or a reasonable application of the applicable enactment in the circumstances of the appellant.

Pursuant to Section 62 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), the applicant must be a recipient of disability assistance, or be a dependent of a person in receipt of disability assistance in a variety of scenarios. If that condition is met, Schedule C of the EAPWDR specifies additional criteria that must be met in order to qualify for a health supplement for various items. In this case, the ministry has found that the requirement of Section 62 has been met in that the appellant has been approved as a recipient of disability assistance.

At issue is whether the requested repairs to a Remote Parker 420 Tub is an eligible item under Schedule C of the EAPWDR, including:

Medical equipment and devices

- 3 (1) Subject to subsections (2) to (5) of this section, the medical equipment and devices described in sections 3.1 to 3.11 of this Schedule are the health supplements that may be provided by the minister if
- (a) the supplements are provided to a family unit that is eligible under section 62 [*general health supplements*] of this regulation, and
 - (b) all of the following requirements are met:
 - (i) the family unit has received the pre-authorization of the minister for the medical equipment or device requested;
 - (ii) there are no resources available to the family unit to pay the cost of or obtain the medical equipment or device;
 - (iii) the medical equipment or device is the least expensive appropriate medical equipment or device.
- (2) For medical equipment or devices referred to in sections 3.1 to 3.8, in addition to the requirements in those sections and subsection (1) of this section, the family unit must provide to the minister one or both of the following, as requested by the minister:
- (a) a prescription of a medical practitioner or nurse practitioner for the medical equipment or device;
 - (b) an assessment by an occupational therapist or physical therapist confirming the medical need for the medical equipment or device.
- (3) Subject to subsection (6), the minister may provide as a health supplement a replacement of medical equipment or a medical device, previously provided by the minister under this section, that is damaged, worn out or not functioning if
- (a) it is more economical to replace than to repair the medical equipment or device previously provided by the minister, and
 - (b) the period of time, if any, set out in sections 3.1 to 3.11 of this Schedule, as applicable, for the purposes of this paragraph, has passed.
- (4) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was previously provided by the minister if it is more economical to repair the medical equipment or device than to replace it.

- (5) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was not previously provided by the minister if
- (a) at the time of the repairs the requirements in this section and section 3.1 to 3.11 of this Schedule, as applicable, are met in respect of the medical equipment or device being repaired, and
 - (b) it is more economical to repair the medical equipment or device than to replace it.
- (6) The minister may not provide a replacement of medical equipment or a medical device under subsection (3) or repairs of medical equipment or a medical device under subsection (4) or (5) if the minister considers that the medical equipment or device was damaged through misuse.

Medical equipment and devices – bathing and toileting aids

- 3.5** (1) The following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to facilitate transfers of a person or to achieve or maintain a person's positioning:
- (a) a grab bar in a bathroom;
 - (b) a bath or shower seat;
 - (c) a bath transfer bench with hand held shower;
 - (d) a tub slide;
 - (e) a bath lift;
 - (f) a bed pan or urinal;
 - (g) a raised toilet seat;
 - (h) a toilet safety frame;
 - (i) a floor-to-ceiling pole in a bathroom;
 - (j) a portable commode chair. ...

General health supplements

- 2** (1) The following are the health supplements that may be paid for by the minister if provided to a family unit that is eligible under section 62 [*general health supplements*] of this regulation:
- (a) medical or surgical supplies that are, at the minister's discretion, either disposable or reusable, if the minister is satisfied that all of the following requirements are met:
 - (i) the supplies are required for one of the following purposes:
 - (A) wound care;
 - (B) ongoing bowel care required due to loss of muscle function;
 - (C) catheterization;
 - (D) incontinence;
 - (E) skin parasite care;
 - (F) limb circulation care;
 - (ii) the supplies are
 - (A) prescribed by a medical practitioner or nurse practitioner,
 - (B) the least expensive supplies appropriate for the purpose, and
 - (C) necessary to avoid an imminent and substantial danger to health;
 - (iii) there are no resources available to the family unit to pay the cost of or obtain the supplies. ...

Further, Section 2(1.1) of Schedule C, provides that "medical or surgical supplies" do not include nutritional

supplements, food, vitamins, minerals or prescription medications.

Section 2(1)(c) provides that the following items are health supplements if the other criteria of the section are met: a service for acupuncture, chiropractic, massage therapy, naturopathy, non-surgical podiatry, physiotherapy.

Section 2(1)(f) of Schedule C provides that the following items are health supplements if the other criteria of the section are met: the least expensive appropriate mode of transportation.

Section 2.1 of Schedule C provides that the following are the optical supplements that may be provided under Section 62.1 of the EAPWDR: basic eyewear and repairs, pre-authorized eyewear and repairs.

Section 2.2 of Schedule C provides that the minister may pay a health supplement under Section 67.2 of the EAPWDR for an eye examination if the other criteria of the section are met.

Section 3.1 provides that the following items are health supplements for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a cane, a crutch, a walker, an accessory to a cane, a crutch or a walker.

Section 3.2 provides that the following items are health supplements for the purposes of section 3 if the other criteria of the section are met: a wheelchair, an upgraded component of a wheelchair, an accessory attached to a wheelchair.

Section 3.3 provides that the following items are health supplements for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a wheelchair seating system, an accessory to a wheelchair seating system.

Section 3.4 provides that the following items are health supplements for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a scooter, an upgraded component of a scooter, an accessory attached to a scooter.

Section 3.6 provides that the following items are health supplements for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a hospital bed, an upgraded component of a hospital bed, an accessory attached to a hospital bed.

Section 3.7 provides that the following item is a health supplement for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a pressure relief mattress.

Section 3.8 provides that the following item is a health supplement for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a floor or ceiling lift device.

Section 3.9 provides that the following items are health supplements for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a positive airway pressure device, an accessory that is required to operate a positive airway pressure device, a supply that is required to operate a positive airway pressure device.

Section 3.10 provides that the following items are an orthosis which is a health supplement for the purposes of section 3 of the Schedule, if the other criteria of the section are met: a custom-made foot orthotic, custom-made footwear, a permanent modification to footwear, an ankle brace, an ankle-foot orthosis, a knee-ankle-foot orthosis, a knee brace, a hip brace, an upper extremity brace, a cranial helmet, a torso or spine brace.

Section 3.11 provides that the following item is a health supplement for the purposes of section 3 of the

Schedule, if the other criteria of the section are met: a hearing aid.

Section 4 of the Schedule provides that the health supplement that may be paid under section 63 [*dental supplements*] are basic dental services, if the other criteria of the section are met.

Section 4.1 provides that the health supplement may be paid under section 63.1 for crown and bridgework, if the other criteria of the section are met.

Section 5 of Schedule C provides that the health supplement that may be paid for under Section 64 of the EAPWDR are emergency dental services.

Section 6 of the Schedule provides that the amount of a diet supplement that may be provided under section 66 [*diet supplements*] is set out for various conditions, if the other criteria of the section are met.

Section 7 of the Schedule provides as follows:

- 7 The amount of a nutritional supplement that may be provided under section 67 [*nutritional supplement*] of this regulation is the sum of the amounts for those of the following items specified as required in the request under section 67 (1) (c):
- (a) for additional nutritional items that are part of a caloric supplementation to a regular dietary intake, up to \$165 each month;
 - (b) Repealed. [B.C. Reg. 68/2010, s. 3 (b).]
 - (c) for vitamins and minerals, up to \$40 each month.

Section 8 of the Schedule provides that the amount of a natal supplement that may be provided under section 68 [*natal supplements*] is set out, if the other criteria of the section are met.

Section 9 of the Schedule provides that the minister may provide infant formula under section 67.1 of the EAPWDR if the other criteria of the section are met.

Section 57 of the EAPWDR provides for a crisis supplement as follows:

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
 - (b) the minister considers that failure to meet the expense or obtain the item will result in
 - (i) imminent danger to the physical health of any person in the family unit, or
 - (ii) removal of a child under the *Child, Family and Community Service Act*.
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.
- (3) A crisis supplement may not be provided for the purpose of obtaining
- (a) a supplement described in Schedule C, or
 - (b) any other health care goods or services. ...

Under Section 69 of the EAPWDR, the minister may provide a general health supplement if it is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under the Regulation and if the minister is satisfied that:

- (a) the person faces a direct and imminent life threatening need and there are no resources available to the person's family unit with which to meet that need,
- (b) the health supplement is necessary to meet that need,
- (c) the person's family unit is receiving premium assistance under the *Medicare Protection Act*, and
- (d) the requirements specified in the following provisions of Schedule C, as applicable, are met:
 - (i) paragraph (a) or (f) of section (2) (1);
 - (ii) sections 3 to 3.11, other than paragraph (a) of section 3 (1).

The ministry's position is that the appellant is eligible to receive health supplements under Section 62 of the EAPWDR but, as the ministry did not previously provide the Tub, the requirements of Section 3.5 of Schedule C of the EAPWDR have not been met, as required for repairs pursuant to Section 3(5) of Schedule C. The ministry argues that funding for the Tub was obtained by the appellant through the _____ Foundation and that the ministry was not involved in the process and did not provide the funding for this item. The ministry pointed out that the ministry funds basic individual items and that it does not fund bathtubs which include many elaborate components. The ministry further argues that the appellant's request for a supplement to cover the cost of repairs to the Tub does not meet the criteria in Section 3.5 (1) of Schedule C because the Tub is an elaborate Tub and it is not "a bath or shower seat" and it is not "a bath lift." The advocate's position is that the ministry provided the Tub through its funding of CLBC and the resulting _____ program administered by the _____ Foundation. Therefore, Section 3(4) of Schedule C of the EAPWDR applies and it must only be more economical to repair the medical equipment than to replace it; to replace the Tub would cost approximately \$25,000 compared to \$539.74 for repairs. Further, the advocate argues that if it was not considered to be provided by the ministry, then the Tub is medically essential to facilitate transfers of the appellant and to achieve or maintain the appellant's positioning, as confirmed by the letters from the OT's dated November 7, 2006 and January 18, 2012. The advocate pointed out that the Tub is both a bath seat, under Section 3.5(b) of Schedule C, and a bath lift, under Section 3.5(e) and also includes grab bars, under Section 3.5(a), as it should not make a difference if the seat and the lift and the bars are attached to the Tub and part of the Tub, or if they are separate from the Tub. The advocate argues that being able to have a bath is a basic human right and that the Tub permits the appellant to bathe safely.

The panel finds that the ministry reasonably determined that the Tub was not previously provided by the ministry. The panel finds that the advocate acknowledged that the funds to purchase the Tub were provided by the _____ Foundation and that, although a block of funds were provided to the program through CLBC, there was a layer of separation between CLBC and the _____ Foundation and the ministry was not at all involved in the process of providing the funds to the appellant. Therefore, Section 3(5) of Schedule C of the EAPWDR applies to the request for a supplement to cover the cost of repairs to the Tub so that, at the time of the repairs, the requirements in sections 3.1 to 3.11 of Schedule C, as applicable, must be met in respect of the medical equipment or device being repaired and it must be more economical to repair the medical equipment or device than to replace it. Section 3.5 provides for "bathing and toileting aids" including 'a grab bar in a bathroom' [Section 3.5(1)(a)] and 'a bath or shower seat' [Section 3.5(1)(b)] and 'a bath lift' [Section 3.5(1)(e)]. Looking at the descriptions of the Remote Parker 420 Tub, in the OT's letters and the advocate's testimony, the panel finds that the evidence demonstrates that it is in essence a bathtub with specially designed features such as an ability for the height to be adjusted to work with the overhead track lift, and a flexible reclining seat, both of which are an integral part of the bathtub. The list of items in Section 3.5 of Schedule C, on the other hand, is for individual bathing and toileting "aids", with the purpose of assisting with the task of either bathing or toileting. The panel finds that the Remote Parker 420 Tub is not characterized as a grab bar in a bathroom, nor as a bath seat, nor as a bath lift, but rather as a "Tub" and, therefore, does not meet this requirement of Section 3.5(1) of Schedule C of the EAPWDR. The panel finds that the ministry did not dispute that it is more economical to repair the Remote Parker 420 Tub than to replace it. Overall, the panel finds that the ministry reasonably concluded that the Remote Parker 420 Tub does not meet all of the requirements of Section 3.5 of Schedule C of the EAPWDR.

In the reconsideration decision, the ministry's position is that the appellant's request for a supplement to cover the cost of repairs to the Remote Parker 420 Tub does not meet the criteria of the other sections of Schedule C of the EAPWDR, including sections 2(1)(a) or (c), 2.1, 2.2, 3.1, 3.2, 3.3, 3.4, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 4, 4.1, 5, 6, 7, 8 and 9, since a Remote Parker 420 Tub is not any of the items covered, namely: a medical or surgical supply that are either disposable or reusable, a service for acupuncture, chiropractic, massage therapy, naturopathy, non-surgical podiatry, physiotherapy; optical supplements; eye examination supplements; a cane, a crutch or a walker; a wheelchair, an upgraded component of a wheelchair, an accessory attached to a wheelchair; a wheelchair seating system, an accessory to a wheelchair seating system; a scooter, an upgraded component of a scooter, an accessory attached to a scooter; a hospital bed, an upgraded component of a hospital bed, an accessory attached to a hospital bed; a pressure relief mattress; a floor or ceiling lift device; a positive airway pressure device, an accessory that is required to operate a positive airway pressure device, a supply that is required to operate a positive airway pressure device; a custom-made foot orthotic, custom-made footwear, a permanent modification to footwear, an ankle brace, an ankle-foot orthosis, a knee-ankle-foot orthosis, a knee brace, a hip brace, an upper extremity brace, a cranial helmet, a torso or spine brace; a hearing aid; a dental supplement; a crown and bridgework supplement; emergency dental supplements; diet supplements; monthly nutritional supplements; natal supplements; or infant formula. The advocate points out that the appellant is not asking for any of the other equipment listed, does not dispute that the request does not fall within any of these other sections, and questions why the ministry would conduct a nonsensical review of sections that are clearly not applicable. The panel finds that the ministry's decision, which concluded that the Remote Parker 420 Tub is not an item listed in the other Sections of Schedule C of the EAPWDR, was reasonable.

With respect to Section 69 of the EAPWDR, the ministry's position in the reconsideration decision is that this section is intended to provide a remedy for those persons who are facing a direct and imminent life-threatening need for these supplements and who are not otherwise eligible to receive them. The ministry argues that the appellant does not require a remedy under Section 69 as he is eligible to receive health supplements set out under Schedule C, Sections 2 and 3. The ministry further argues that information has not been provided to demonstrate that the requirements of Section 69(d) are met as a Remote Parker 420 Tub is not set out under Schedule C, Section 2(1)(a) [medical supplies] or Section 2(1)(f) [medical transportation]. The advocate does not take a position as to whether the requirements of Section 69 of the EAPWDR have been met.

The panel finds that the ministry determined that the appellant is eligible, as a recipient of disability assistance, for health supplements under Section 62 of the EAPWDR, whereas Section 69 applies to provide a health supplement to a person in the family unit who is otherwise not eligible for the health supplement under the EAPWDR. The panel also finds that the ministry reasonably determined that the requirements of Section 69(d) are not met as a Remote Parker 420 Tub is not set out under Schedule C, Section 2(1)(a) as medical or surgical supplies or under Section 2(1)(f) as a mode of medical transportation, or under Sections 3 to 3.11, as detailed above. Therefore, the panel finds that the ministry's decision, which concluded that Section 69 of the EAPWDR does not apply to the appellant's circumstances, was reasonable.

With respect to Section 57 of the EAPWDR, the ministry's position in the reconsideration decision is that Section 57(3) stipulates that a crisis supplement may not be provided for the purpose of obtaining a supplement described in Schedule C or any other health care goods or services and the requested coverage is for a health care good. The advocate does not take a position as to whether the requirements of Section 57 of the EAPWDR have been met. The panel finds that the appellant's request is for a supplement to cover the cost of repairs to a Remote Parker 420 Tub, described in the invoice dated November 17, 2011 as being the cost of a control box battery for \$539.74, which is not a supplement described in Schedule C. However, the panel finds that the ministry reasonably determined that the request is for a health care good, for which a crisis supplement may not be provided, pursuant to Section 57(3)(b) of the EAPWDR.

In conclusion, the panel finds that the ministry's decision to deny the request for a supplement to cover the

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cost or repairs to a Remote Parker 420 Tub as not meeting the legislated criteria of Schedule C, Section 2(1)(a)(i), Sections 3, 3.1 to 3.11, or Sections 2, 2.1, 2.2, 4, 4.1, 5, 6, 7, 8, and 9 or Sections 57 or 69 of the EAPWDR, was a reasonable application of the applicable enactment in the circumstances of the appellant and, therefore, confirms the decision.