

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision dated December 14, 2012 which denied the appellant's request for a supplement to cover the cost of a power wheelchair. The ministry found that the following requirements of Schedule C of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) were not met:

- the medical equipment or device is the least expensive appropriate medical equipment or device, pursuant to Section 3(1)(b); and,
- the ministry is not satisfied that the power wheelchair is medically essential to achieve or maintain basic mobility, pursuant to Section 3.2(2).

PART D – Relevant Legislation

Employment and Persons with Disabilities Regulation (EAPWDR), Section 62 and Schedule C, Sections 3 and 3.2

PART E – Summary of Facts

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

- 1) Letter dated February 9, 2009 from the ministry to the appellant approving her request for a power scooter in the maximum amount of \$3,498.49;
- 2) Letter dated December 5, 2011 from a pedorthist stating in part that the appellant has charcot deformities in her left foot and requires a scooter and Handy Dart to get around and requesting the required form be provided to the appellant and quoting for orthopaedic footwear at a cost of \$250;
- 3) Requests and Justification for Orthoses for the appellant dated December 5 and December 14, 2011;
- 4) Letter dated December 28, 2011 from the ministry to the appellant approving her request for orthopedic footwear in the maximum amount of \$250;
- 5) Medical Certificate dated February 3, 2012 from the appellant's family physician stating in part that the appellant is suffering from Charcots foot left side and has had multiple episodes of infection requiring specialized treatment. She has severe foot deformity and disability as a result. She was fitted with modified footwear to accommodate her foot as well as Darco wound care shoe but these have been unsuccessful. She will need custom bilateral shoes made for her;
- 6) Letter dated February 14, 2012 from an orthotist quoting the cost of custom made shoes at \$1,450;
- 7) Request dated February 22, 2012 from an orthotist to the ministry for an Orthoses;
- 8) Letter dated February 22, 2012 from the ministry to the appellant approving her request for repairs to her power scooter in the maximum amount of \$595.88;
- 9) Letter dated March 1, 2012 from the ministry to the appellant approving her request for custom footwear in the maximum amount of \$1,200;
- 10) Letter dated April 4, 2012 from an occupational therapist (OT) 'To Whom It May Concern' , which states in part that the appellant lives alone in a 1-bedroom unit in supportive housing and she would like to maintain her independence with her activities of daily living (ADL). She has a diabetic foot ulcer with severe Charcot deformity and a medical history of multiple fractures of the foot. She has fibromyalgia as well. Her diabetic foot ulcer is not healing well and she is at high risk of amputation. Her doctor has recommended that she must be non-weight bearing on her left foot in order to promote wound healing and to avoid the risk of amputation. She has tried to walk with a cane and by putting more weight on her left ankle. She has complained of pain on her shoulders and back when she hops with a walker. The appellant has been advised to use a manual wheelchair for her indoor mobility but refused by her as she said that it only caused pain to her back and shoulders and she fatigues easily. She would like to have a power wheelchair for indoor and outdoor mobility. She is able to transfer independently with external support but has poor standing and walking tolerance and, as a result, she has been cooking less nutritious meals for herself and that directly affects her wound healing. The appellant has a power scooter funded by the ministry in February 2009. She finds it difficult to get her scooter on buses and has been riding on Handy Dart if she has to go for longer distances. All of her medical appointments are at a longer distance from her residence and it takes more than 6 hours to get there and back via Handy Dart. The appellant expressed that she has severe back and leg pain and increased edema after sitting on her scooter for long periods of time and she is unable to operate her scooter in her small apartment. She is able to operate a power wheelchair safely. The appellant has trialed the Quantum 600 power wheelchair which is recommended to her to fulfill her basic mobility need as she is able to operate the chair effectively in her own living environment. She hopes that she will be able to get on the buses with the power wheelchair in the future;
- 11) Medical Equipment Request and Justification dated April 10, 2012 in which the appellant's podiatrist describes the appellant's medical condition as "diabetic foot ulcer with severe Charcot deformity and multiple fractures of the foot, she must be non-weight-bearing with left foot, high risk for amputation" and an electric wheelchair is recommended;
- 12) Quote from a health product company dated April 10, 2012 for a Quantum 600 power wheelchair with accessories in the total amount of \$8,220.96;
- 13) Quote from a health product company dated April 10, 2012 for repair of the appellant's power scooter in the total amount of \$126.49 and a Purchase Authorization for this amount dated April 24, 2012;
- 14) Copy of email dated August 30, 2012 from the OT to the ministry stating in part that she is working on the

- possibility of growing a used power wheelchair from 18" wide to 20" to see if the appellant can use it;
- 15) Quotes from a health product company dated September 4, 2012 for a complete tune-up of Quantum Q-6 power wheelchair in the total amount of \$120 and to supply batteries in the total amount of \$449.66;
 - 16) Fax transmitted September 12, 2012 from an OT to the ministry stating in part that the ministry agreed to the request on the phone and the OT will meet with the appellant for delivery and, if the wheelchair fits, the OT will draft a letter for the file;
 - 17) Funding Request for Purchase of Medical Equipment under \$500 dated September 12, 2012 stating in part that the appellant agreed to trial a used power wheelchair that belonged to a ministry client who passed away. Requests pick up of wheelchair from previous address, tuning it, adding new batteries and delivering to the appellant's home;
 - 18) Medical Equipment Request Tracking Sheet with ministry notes for the appellant covering the period July 17, 2012 through September 25, 2012 with final entry stating in part that the OT reviewed donating her scooter and the appellant stated she wants to keep the scooter and also wants a power wheelchair, that client has been advised to use a manual wheelchair for indoors but has refused;
 - 19) Undated Prescription for modified footwear for the appellant;
 - 20) Undated print out of accessibility issues with BC Transit;
 - 21) Undated print out of supplier's specifications for a Quantum Q-6 power wheelchair; and,
 - 22) Request for Reconsideration- Reasons.

At the hearing, the advocate provided an additional letter dated December 18, 2012 from the appellant's family physician. The physician agreed that a power wheelchair is medically essential to achieve or maintain basic mobility and stated that the appellant has severe peripheral vascular disease and diabetes complications. She is currently being treated for a severe deep leg ulcer and is at risk for amputation. She is morbidly obese and has a history of CHF (heart failure) and COPD. A power wheelchair is essential for her basic mobility. In response to the question as to what activities the appellant would be able to do with a power wheelchair that she cannot do now, the physician stated that she could attend her physician and specialist appointments regularly. Perform her activities of daily living. Current access to Handy Dart difficult and prolonged. A power wheelchair will give her more much-needed accessibility.

The ministry did not object to the admissibility of this letter and the panel admitted it, pursuant to Section 22(4) of the Employment and Assistance Act, as providing further detail regarding the need for a power wheelchair and being in support of information that was before the ministry on reconsideration. The panel did not admit the reference in the letter to the appellant's conditions of morbid obesity and history of CHF (heart failure) and COPD as these diagnoses were not before the ministry on reconsideration.

The appellant consented to the attendance at the hearing of an observer from the advocate's office. In her Notice of Appeal, the appellant stated that she disagrees with the ministry's decision because she believes that she should be eligible for funding for a new power wheelchair. In the Request for Reconsideration, the advocate stated that, as noted in the OT's assessment, the appellant is not able to use her motorized scooter in her small apartment or on regular transit buses due to the size of her scooter. This means that it takes several hours to get to frequent medical appointments. A manual wheelchair is not suitable because it causes pain in the appellant's neck and back and she easily fatigues. Considering that the appellant's doctor has said the appellant is at high risk of amputation and that she must be non-weight-bearing on her left foot, a power wheelchair is the only medically appropriate device to meet her indoor and outdoor mobility needs.

The advocate pointed out that the Decision Under Consideration section of the ministry reconsideration decision seemed confused with another client as the assessment details recited do not apply to the appellant. The advocate stated that the ministry's original decision referred to the appellant already being provided with a scooter and custom footwear while the reconsideration decision refers to the appellant also having a used power wheelchair. The appellant, however, does not have a used power wheelchair and did not request repairs to a power wheelchair. The advocate pointed out that the appellant's request is dated April 10, 2012 and it will soon have been a year since it was submitted and that the appellant has suffered with a diabetic

ulcer for much longer than that. In the Request, the appellant's podiatrist stated that the appellant has a diabetic foot ulcer with severe Charcot deformity and multiple fractures of the foot, she must be non-weight-bearing on the left foot and is at high risk for amputation. The advocate highlighted the OT's assessment dated April 4, 2012 that stated at that time that the appellant's foot ulcer was not healing well. The advocate referred to the letter dated December 18, 2012 from the appellant's family physician which confirms that the appellant's condition has not improved, that she is still being treated for a severe, deep leg ulcer and that she remains at risk for amputation. The advocate stated that, for the long-term, the appellant's mobility needs may be even greater. The advocate referred to the OT assessment which indicated that the appellant expressed that she had severe back pain and increased edema after sitting on her scooter for a long period of time. In response to a question, the advocate stated that the power wheelchair would be different because the seating is designed more for prolonged sitting than that on the scooter.

The appellant stated that she has the scooter that she is using today since 2009. The appellant stated that the OT said she could have a recycled power wheelchair but that it would not be under warranty and it would not be covered if anything happened to it. The appellant stated that even if a minor repair was required, she was told that she would be responsible for paying for it because the ministry said they would not pay for repairs to the used power wheelchair. The OT told her that the ministry would pay to put new batteries in the power wheelchair and to tune it up but that was all. The appellant stated that she did not hear anything more about the used power wheelchair other than it had gone in for "cleaning." She was never contacted about delivery of the power wheelchair and it has never been delivered to her. She has not used anything but her scooter to get around. The appellant stated that she goes to her doctor at least once a week and is usually to the clinic about 2 or 3 times per week.

The appellant stated that it was over 2 years ago that she was at her brother's place and he noticed a problem with her foot, that her sock was wet. Now both feet are numb because of her diabetes and she has recently been feeling a stabbing pain. The appellant stated that her podiatrist who completed the Request for a power wheelchair is now recommending that her foot be amputated because it has not healed for so long. The appellant stated that she has to have her foot raised up when she sleeps. The appellant stated that she has tried a manual wheelchair but her arthritis becomes worse because she has to use both hands and it causes a pain in her shoulders, that it felt like the joint had come out. The appellant stated that the OT came to her apartment and she tried the power wheelchair and it worked well, that she was able to go in and out of her residence and move around. The appellant stated that there is a wheelchair-accessible unit in her building that has bigger rooms, a larger bathroom and kitchen area, and that she could apply for this unit if she had a power wheelchair. In response to a question the appellant was not sure whether she could apply for the unit for use with her scooter.

The appellant stated that the problem with her scooter for outdoor mobility is that it is 3-wheeled and it has flipped on her at the grocery store and when she was crossing the street. She cannot use regular public transportation with the scooter and she has to book 7 days ahead to use Handy Dart and she finds it too expensive. To take Handy Dart to her appointments takes up most of her day. Also, when she gets out of the scooter she needs to hold on to something for support or she might flip over. For moving about indoors, she has to really concentrate to manoeuvre around since it is not meant for indoor use. She can move from the entrance of her unit to the entrance of the washroom and that is about it. With the power wheelchair, she would not be dependent on anyone and she could do her laundry, cooking, and get into the bathroom of the wheelchair accessible unit, as well as take regular transportation. She could go right up to the couch and put her legs up by putting pillows under, whereas she cannot raise her legs on the scooter.

At the hearing, the ministry relied on its reconsideration decision and had no further information regarding the disposition of the used power wheelchair. The ministry could not confirm that the used power wheelchair had been delivered to the appellant and relies on the ministry notes of interactions with the appellant as set out in the evidence.

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 a power wheelchair because:

- the medical equipment or device is not the least expensive appropriate medical equipment or device; and,
- the ministry is not satisfied that the power wheelchair is medically essential to achieve or maintain basic mobility,

as required by Schedule C of the Employment and Assistance for Persons With Disabilities Regulation (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 not disputed 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 appellant's request for a Quantum 600 power wheelchair meets the requirements 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. ...

Medical equipment and devices – wheelchairs

- 3.2 (1) In this section, "wheelchair" does not include a stroller.
- (2) Subject to subsection (4) of this section, 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 achieve or maintain basic mobility:
 - (a) a wheelchair;
 - (b) an upgraded component of a wheelchair;
 - (c) an accessory attached to a wheelchair.
 - (3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in Subsection (2) of this section is 5 years after the minister provided the item being replaced.
 - (4) A high-performance wheelchair for recreational or sports use is not a health supplement for the purposes of section 3 of this Schedule.

The ministry's position is that the appellant is eligible to receive health supplements under Section 62 of the EAPWDR, but the appellant's request for a supplement to cover the cost of a Quantum 600 power wheelchair does not meet all of the applicable criteria of Schedule C of the EAPWDR. Firstly, the ministry argues that the requirements in Section 3(1)(b) have not been met as the Quantum 600 power wheelchair is not shown to be the least expensive appropriate medical equipment or device. The ministry points out in the decision that the assessment by the OT did not determine that the Quantum 600 power wheelchair is the least expensive appropriate medical equipment or device considering that the appellant has a repaired motorized scooter and a repaired Quantum 06 power wheelchair. The ministry points out in the decision that the OT would need to perform an assessment of the appellant's motorized scooter and the Quantum 06 power wheelchair to confirm that the Quantum 600 power wheelchair is the least expensive appropriate medical equipment or device.

The advocate argues that there is an error in the reconsideration decision as there was an assumption made by the ministry that the appellant had in her possession a repaired Quantum 06 power wheelchair as well as her motorized scooter but the appellant does not have a power wheelchair. The advocate argues that the requirements of the section have been met by the information provided by the appellant's OT as well as her family physician and podiatrist. The advocate argues that the family physician has stressed his concern regarding the appellant's medical condition, that she is being treated for a severe deep leg ulcer and is at risk of amputation, and the podiatrist has indicated that the appellant must be non-weight-bearing on her left foot. The advocate points out that the appellant is unable to utilize a manual wheelchair for indoor mobility because it causes pain in her back and shoulders and she fatigues easily and this has been acknowledged in the OT's assessment. The advocate points out that the combination of a manual wheelchair and a scooter does not meet the appellant's mobility needs because her medical condition is deteriorating and the appellant finds it more and more difficult and risky to transfer from one device to the other. The advocate argues that there have been problems with the scooter, as noted by the doctor and the OT, because access to public transit is limited and time-consuming. The advocate points out that the OT stated that sitting on the scooter for long periods of time leads to severe back and leg pain and increased edema. The advocate argues that scooters are designed for outdoor use and are not suitable in the appellant's current living space and she is having problems managing in her apartment because of her standing and walking limitations and has been cooking less nutritious meals for herself.

The requirement in Section 3(1)(b) of Schedule C of the EAPWDR is that the requested Quantum 600 power wheelchair is the least expensive appropriate medical equipment or device and the panel finds that an assessment of all the types of equipment appropriate to the appellant's medical condition and the associated cost is relevant and necessary to this analysis. The panel finds that, as part of this analysis, the OT considered the need for a power wheelchair in relation to other types of equipment available to address their appropriateness for the appellant's medical condition and to meet her mobility needs. While the ministry stated in the decision that the OT needs to consider the used power wheelchair as part of the assessment, and the advocate points out that the appellant is only in possession of the motorized scooter, the panel finds that the OT nevertheless considered the existing scooter for appropriateness along with other types of equipment, including the requested new power wheelchair.

In her letter dated April 4, 2012, the OT stated that the appellant has been advised not to put any weight on her left foot for mobility in order to promote wound healing and to avoid the risk of foot amputation. The OT reported that the appellant "...has tried to walk with a cane and by putting more weight on her left ankle" and, with respect to a walker as an option, that the appellant "...has complained of pain on her shoulders and back when she hops with the walker"; the OT also commented that the appellant has poor standing and walking tolerance and the panel finds that the OT thereby concluded that these are not appropriate equipment options for the appellant. The OT indicated in her letter that the appellant has been advised to use a manual wheelchair for her indoor mobility but this option has been refused by her as she said that it caused pain to her back and shoulders and that she fatigues easily. The panel finds that the OT has assessed the manual wheelchair as an appropriate equipment option to meet the appellant's indoor mobility needs. While the appellant stated that it caused pain in her back and shoulder and she fatigues easily, the OT has not raised

concerns about the use of this equipment for achieving the purpose of non-weight-bearing on the appellant's left foot and added that the appellant is able to transfer independently with external support. The OT reviewed the appellant's use of her existing motorized scooter for indoor mobility and reported that the appellant is unable to operate her scooter in her small apartment. The panel finds that the OT has concluded that the existing motorized scooter is not an appropriate equipment option for the appellant's indoor mobility.

For outdoor mobility, the OT indicated that the appellant has found it difficult to get her scooter on the bus and she needs to use Handy Dart for longer distances which is time-consuming and that the appellant expressed that she had severe back and leg pain and increased edema after sitting on her scooter for long periods of time. However, the panel finds that the OT does not exclude the motorized scooter as an appropriate equipment option achieving the purpose of non-weight bearing on her left foot and to meet the appellant's outdoor mobility needs. In the physician's letter dated December 18, 2012, he stated that the appellant's "...current access to Handy Dart difficult and prolonged" but the physician does not raise a concern about edema or exclude the existing motorized scooter as an appropriate option to meet the appellant's outdoor mobility needs. Although the appellant stated that the problem with her scooter for outdoor mobility is that it is 3-wheeled and it has flipped over on her a few times, neither this nor any other safety concern was raised by her family physician in his recent letter or by the OT in her report.

The OT recommends the Quantum 600 power wheelchair with listed accessories as appropriate equipment since the appellant is able to operate the power wheelchair effectively in her living environment; however the OT also indicated that the appellant is unsure whether she would be able to get on the regular transit buses with the power wheelchair. The OT included a Quote from a health product company which establishes an approximate cost for a Quantum 600 power wheelchair with listed accessories in the total amount of \$8,220.96. The panel finds that the OT has not provided information in her assessment about the cost of the other appropriate equipment options, namely the manual wheelchair for indoor mobility together with her existing motorized scooter for outdoor mobility, and no further information regarding costs has been submitted. Therefore, the panel finds that the ministry's conclusion that the Quantum 600 power wheelchair is not shown to be the least expensive appropriate medical equipment or device, pursuant to Section 3 (1)(b) of Schedule C of the EAPWDR, was reasonable.

The ministry's position is that the requirements in Section 3.2(2) have not been met as the ministry is not satisfied that the Quantum 600 power wheelchair with listed accessories is medically essential to achieve or maintain basic mobility. The ministry points out that medically essential to achieve or maintain basic mobility refers to a need for equipment due to a mobility impairment which is necessary to perform their day-to-day activities in the home and/or community. The ministry points out in the decision that the appellant has a repaired used power wheelchair and a repaired motorized scooter and there has not been an assessment by an OT to determine whether the appellant's mobility needs are currently being met with this mobility equipment. The ministry points out in the decision that the appellant reported that her scooter was not meeting her mobility needs yet she requested funding of repairs to her scooter at the same time in April 2012 that she requested a new power wheelchair, and she subsequently requested repairs to a used power wheelchair. The ministry argues that the appellant stated that her scooter is difficult to use on a bus but the appellant is able to use her scooter on Handy Dart and the OT has not confirmed that the requested Quantum 600 power wheelchair can be used on the bus.

The advocate argues that the requirements of the section have been met by the information provided to the ministry by the OT and the appellant's physician. The advocate argues that the evidence indicates that the appellant is facing a deteriorating and critical health situation and that her mobility needs have changed over the past couple of years. The advocate argues that the physician stated that the appellant requires a power wheelchair for indoor and outdoor mobility. The advocate argues that other options are no longer feasible because of the appellant's deteriorating health and the Quantum 600 power wheelchair is medically essential if the appellant is going to continue to live at home. The advocate points out that the manual wheelchair causes pain in the appellant's back and shoulders and she fatigues easily, that access to public transit is limited with

the scooter which also leads to prolonged sitting and severe back and leg pain and edema and the scooter is not suited for indoor use. The advocate argues that a combination of a manual wheelchair and a scooter does not meet the appellant's mobility needs because her medical condition is deteriorating and she finds it more and more difficult and risky to transfer from one device to the other.

The panel finds that the evidence shows that the appellant has a need for equipment due to her severe peripheral vascular disease and diabetes complications, including a severe leg ulcer that is not healing well and is at risk for amputation. The OT's assessment indicated that the appellant has been advised not to put any weight on her left foot for mobility in order to promote wound healing and to avoid the risk of foot amputation. The appellant stated that her podiatrist recently recommended amputation of her foot since the wound has not healed in over 2 years, however the family physician's letter of December 2012 refers to a risk of amputation and not a recommendation. In terms of identifying a power wheelchair as medically essential to achieve or maintain basic mobility, the panel finds that an assessment of a variety of types of equipment is relevant and necessary to this analysis, in order to specify the equipment features that address the appellant's particular restrictions and provides for "basic" mobility along the range of various levels of mobility (with 'no mobility' at one extreme and 'perfect mobility' at the other).

In the OT's letter dated April 4, 2012, it is not clear if the appellant is currently using any equipment to assist with indoor mobility and the OT reported that the appellant has poor standing and walking tolerance which militates against the effective use of either a cane or a walker. The OT indicated that the appellant is able to transfer independently with external support; although the advocate argues that the appellant's condition is deteriorating and she finds it difficult and risky to transfer from one device to another, this has not been referenced in the physician's recent letter. The OT indicated in her letter that the appellant has been advised to use a manual wheelchair for her indoor mobility but this option has been refused by her as she said that it caused pain to her back and shoulders and she fatigues easily. The panel finds that the OT has assessed the manual wheelchair as an appropriate equipment option to achieve the appellant's indoor mobility needs. While the appellant stated that it caused pain in her back and shoulder and she fatigues easily, the OT has not raised medical concerns about the use of this equipment. The OT reviewed the appellant's use of her existing motorized scooter for indoor mobility and reported that the appellant is unable to operate her scooter in her small apartment.

For outdoor mobility, the OT indicated that the appellant has found it difficult to get her scooter on the bus and she needs to use Handy Dart for longer distances which is time-consuming. The appellant expressed that she had severe back and leg pain and increased edema after sitting on her scooter for long periods of time. The appellant also stated that Handy Dart is too expensive and the problem with her scooter for outdoor mobility is that it is 3-wheeled and it has flipped over on her a few times. However, the panel finds that neither the OT nor the appellant's family physician raised safety concerns about the appellant's use of a motorized scooter as an appropriate equipment option for achieving outdoor mobility. The OT recommends the Quantum 600 power wheelchair as appropriate equipment since the appellant is able to operate it effectively in her living environment; however the OT also indicated that the appellant is unsure whether she would be able to get on the regular transit buses with the power wheelchair. The appellant stated that she could use the power wheelchair on the regular transit buses and the physician stated that a power wheelchair "...will give her more much-needed accessibility" and that it is essential for her basic mobility. The panel finds that the evidence demonstrates that the appellant's basic mobility needs can be met with a combination of a manual wheelchair for indoor mobility and continued use of the motorized scooter for outdoor mobility. Therefore, the panel finds that the ministry's determination that the evidence does not establish that the Quantum 600 power wheelchair is medically essential to achieve or maintain basic mobility, pursuant to Section 3.3(2) of Schedule C of the EAPWDR, was reasonable.

In conclusion, the panel finds that the ministry's decision to deny the request for a power wheelchair as not meeting the legislated criteria of Schedule C, Sections 3(1)(b) and 3.2(2) of the EAPWDR, was a reasonable application of the applicable enactment in the appellant's circumstances and confirms the decision.