

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry) reconsideration decision dated May 13, 2015 which denied the appellant's request for a supplement to cover the cost of transportation to an office, in the local area, of a medical practitioner. The ministry found that the request for a health supplement did not meet the legislated requirement of Schedule C, Section 2(1)(f) of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) because:

- The office of the medical practitioner was not “in the local area;” and,
- There were less expensive appropriate modes of transportation.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), Section 62, and Schedule C, Section 2(1)(f)

PART E – Summary of Facts

Neither the appellant nor her advocate attended the hearing. After confirming that the appellant and her advocate were both notified, the hearing proceeded under Section 86(b) of the *Employment and Assistance Regulation*.

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

- 1) Appointment slip for March 26 for a general practitioner with a health clinic in a city that is not the appellant's city;
- 2) Letter to the appellant dated April 8, 2015 in which the ministry denied her request for a health supplement for medical transportation to a general practitioner;
- 3) Consultation Slip dated April 22, 2015 'To Whom It May Concern' in which a nurse practitioner wrote that the appellant was seen in the health centre this day and she is currently unable to find a family physician in her city. There are no family physicians in her city accepting new patients. There are many medications that the appellant takes that she, as a nurse practitioner, is not able to prescribe. She has approached local physicians for help with the appellant's care and has been denied to date. The proposed medical practitioner has agreed to share care to prescribe those medications while she provides the bulk of the appellant's health care. This necessitates the appellant traveling to another city to see the medical practitioner for these prescriptions and for assessment;
- 4) List of 5 medical practitioners in the appellant's city indicating that they are accepting new patients; and,
- 5) Request for Reconsideration dated May 4, 2015.

In her Notice of Appeal dated May 21, 2015, the appellant wrote that she disagrees with the ministry's reconsideration decision because there is no one available [in her city].

The ministry relied on its reconsideration decision as summarized at the hearing. The ministry clarified at the hearing that:

- The ministry attempted to contact the nurse practitioner prior to making the reconsideration decision to discuss the appellant's situation further, but the ministry was unable to contact her despite repeated attempts.
- The College of Physician and Surgeons keeps a list of medical practitioners accepting new patients on its website and the ministry's experience is that it is current and up-to-date.
- The ministry occasionally extends the territory that is considered "in the local area" when a person resides in a small, rural area and it is shown that there is no available medical or nurse practitioner in the immediate vicinity; however, in the appellant's case, she resides in an urban area where there are several options available for health care.
- The cost of fuel to drive to the other city which is almost 100 kilometers distance from the appellant's city will be more expensive than the cost to travel to the office of a medical practitioner within the appellant's city.

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 transportation to an office, in the local area, of a medical practitioner as the request for a health supplement does not meet the legislated requirement of Schedule C, Section 2(1)(f) of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR), was a reasonable application of the applicable legislation in the circumstances of the appellant, or was reasonably supported by the evidence.

Under Section 62 of the EAPWDR, the applicant must be a recipient of disability assistance, be a person with disabilities, or be a dependent of a person with disabilities. If that condition is met, Schedule C of the EAPWDR specifies additional criteria that the person's family unit must meet in order to qualify for specified general health supplements.

In this case, the requirements of Schedule C, Section 2(1)(f), which apply to transportation costs, are at issue, as follows:

(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:

- (f) the least expensive appropriate mode of transportation to or from
 - (i) an office, in the local area, of a medical practitioner or nurse practitioner
 - (ii) the office of the nearest available specialist in a field of medicine or surgery if the person has been referred to a specialist in that field by a local medical practitioner or nurse practitioner,
 - (iii) the nearest suitable general hospital or rehabilitation hospital, as those facilities are defined in section 1.1 of the Hospital Insurance Act Regulations, or
 - (iv) the nearest suitable hospital as defined in paragraph (e) of the definition of "hospital" in section 1 of the *Hospital Insurance Act*,

provided that

- (v) the transportation is to enable the person to receive a benefit under the *Medicare Protection Act* or a general hospital service under the *Hospital Insurance Act*, and
- (vi) there are no resources available to the person's family unit to cover the cost.

Appellant's position

The appellant's position is that her request for a health supplement to cover the cost of transportation meets all the applicable criteria of Section 2(1)(f) of Schedule C of the EAPWDR and she is, therefore, eligible to receive it. The appellant argued, through her advocate, that she is currently unable to find a family physician in her city. The appellant argued that there are no family physicians in her city accepting new patients. The appellant argued that there are many medications that the appellant takes that the nurse practitioner is not able to prescribe. The appellant argued that she has approached local physicians for help with her care and has been denied to date. The appellant argued that the proposed medical practitioner has agreed to share care to prescribe those medications while the nurse practitioner provides the bulk of the appellant's health care. The appellant argued that this necessitates the appellant traveling to another city to see the medical practitioner for these prescriptions and for assessment.

Ministry's position

The ministry's position is that the appellant, designated as a Person With Disabilities (PWD), is eligible to receive health supplements under Section 62 of the EAPWDR and does not have the resources to provide these herself; however, the appellant's request for a supplement to cover the cost of transportation for an appointment with a medical practitioner does not meet the requirement specified in Schedule C, Section 2(1)(f)(i) of the EAPWDR as his office is not within the local area. The ministry argued that the medical practitioner proposed by the appellant lives in another city, about 100 kilometers from the appellant's city, and the travel is not to or from an office "in the local area" of a medical practitioner. The ministry argued that the College of Physicians and Surgeons of B.C. indicates that there are 5 medical practitioners located in the appellant's city that have general family practice and are accepting new patients. The ministry further argued that it is not satisfied that the requested transportation from the appellant's city to a city approximately 100 kilometers distance from the appellant's city is the least expensive, appropriate mode of transportation as there are physicians in the appellant's local area that provide a general practice and are accepting new patients.

Panel decision

Section 2(1)(f)(i) of Schedule C of the EAPWDR stipulates that the ministry may provide a health supplement for the least expensive appropriate mode of transportation to or from an office, in the local area, of a medical practitioner or nurse practitioner. The appellant does not dispute that her requested travel is to a medical practitioner in a city that is approximately 100 kilometers distance from the appellant's city. In the Consultation Slip dated April 22, 2015, the nurse practitioner wrote that there are no family physicians in the appellant's city accepting new patients and that she has approached local physicians for help with the appellant's care and has been 'denied to date.' Since the appellant resides in a larger urban area and the ministry has provided a list of 5 medical practitioners within her city, or "in the local area," who have indicated to the College of Physicians and Surgeons that they are currently accepting new patients, the panel finds that the ministry reasonably concluded that the proposed travel to the office of a medical practitioner in another city is not "in the local area." Although the nurse practitioner wrote that she has approached local physicians for help with the appellant's care and has been "denied to date," there were no further particulars provided on the appeal about the reasons for the denial or how many local physicians had been approached.

The panel further finds that the ministry reasonably concluded that the travel to the office of a medical practitioner within the appellant's city is a less expensive appropriate mode of transportation than transportation to another city approximately 100 kilometers distance from her city. The panel finds that the ministry's conclusion, that the appellant's request did not meet the requirements of Section 2(1)(f) of Schedule C of the EAPWDR as the travel was not to an office of a medical practitioner "in the local area" and there were less expensive appropriate modes of transportation available, was reasonable.

Conclusion

The panel finds that the ministry's reconsideration decision was reasonably supported by the evidence and confirms the decision.