



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of October 29, 2015 wherein the ministry denied the appellant a health supplement for non-local medical transportation to cover the overnight accommodation costs for himself and his caregiver because he did not meet the legislated criteria set out in in Schedule C Section 2(1)(f) of Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”).

PART D – Relevant Legislation

EAPWDR – section 62, Schedule C section 2(1)(f)

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration included in the following:

- Appellant's request for Non-Local Medical Transportation Assistance submitted on September 17, 2015 for a health supplement to cover transportation cost for him and his caregiver to travel from his community ("Comm A") to a medical appointment with a medical specialist ("MS") in another community ("Comm B");
- Letter dated August 25, 2015 from the MS in Ophthalmology whose practice is in located in Comm B to an optometrist in that same community. The MS provided the results of an eye examination he conducted on the appellant on August 24, 2015;
- Single page with an outline of the appellant's travel expenses for gas, accommodations and food.

The appellant is a recipient of disability assistance who needs a care giver to drive him to his various appointments. On September 17th, 2015 the appellant submitted a request for transportation assistance to attend a medical appointment with a MS in Comm B on September 28, 2015 at 9 am. The appellant had planned that he and his caregiver would leave home on September 27, 2015, drive to Comm B, stay overnight, attend his 9am medical appointment the next day (September 28, 2015) and then return home. The ministry worker ("EAW") contacted the MS office and determined that a late morning or early afternoon appointment was available on September 30, 2015 and re-scheduled the appellant's appointment to that date. The EAW had determined the travel time between the Comm A and Comm B is 1 to 1½ hours' so attending the medical appointment either in late morning or early afternoon on September 30, 2015 would negate the necessity of the appellant and his caregiver having to stay in overnight accommodation. On September 21, 2015 the EAW advised the appellant his medical appointment on September 28, 2015 at 9 am was cancelled and changed to September 30, 2015 and, that late morning and early afternoon appointments were available. The EAW determined the appellant's appointment was scheduled for September 30, 2015 at 1pm and approved his request for travel assistance but denied his request for overnight accommodation for September 27, 2015. The ministry issued a cheque in the amount of \$48.20.

Before the hearing commenced the appellant raised the issue that he has not been compensated for his meal expenses when he had attended his medical appointment on October 5, 2015. He stated that in his initial request for travel assistance he had asked that he be given funds to cover his gas, food and accommodation expenses for himself and his caregiver and he submitted a breakdown of those expenses. He stated that his overnight accommodation was denied and that he would be given funds to cover his vehicle gas, food and parking. He stated that when he picked up the cheque from the ministry office, the amount of the cheque was \$48.20 to cover his vehicle gas and parking. When he inquired about his food costs he was told he would not be paid. The ministry representative stated that his meal costs should have been paid and that he should have submitted receipts for that expense to be reimbursed.

The panel's jurisdiction is limited to a determination on whether the ministry's decision to deny a request for a health supplement for transportation for overnight accommodation. The ministry states in their reconsideration decision that "the ministry assisted you with a health supplement for transportation, gas, meals, meals for you and your escort, and parking". The appellant argues that the funds received only covered gas and parking. Meal cost is not before the panel on appeal as meal costs were granted by the Ministry. If the appellant did not receive funding for meals, he needs to discuss that with the ministry as meals were approved.

At the hearing the appellant called one witness, his caregiver. The witness stated that the appellant does not drive so he must hire someone to drive him to his appointments.

The appellant stated that he was not consulted when the EAW changed his appointment with the MS from September 28, 2015 to September 30, 2015. He stated that he could not arrange for a driver on September 30, 2015 and could not arrange for someone to deliver his paper route that day so he moved the appointment

date to October 5, 2015 at 10am. He stated that he left home, attended his MS appointment, and returned home in the same day. He stated that initially he had requested assistance to cover the overnight accommodation, gasoline for the vehicle and meals because his appointment was at 9am and the hospital didn't want him to get delayed and suggested he travel the day before and stay overnight. The appellant stated his initial request was denied, however, he would receive money for gasoline, parking and meals. The appellant stated that when he picked up his cheque the amount was only \$48.20 to cover his expenses for gasoline (\$43.20) and parking (\$5.00) and was told that he was not getting money for meals. He stated that the last time he had to travel to his same community he received \$62.80 for gas, parking and meals.

The panel finds the information from the appellant and his witness is admissible as the information surrounding the date and time of the MS appointment provided further clarification on the details surrounding the appellant's medical appointment with the eye specialist. The panel finds the testimony supports the information and record that was before the ministry at the time of reconsideration and is admissible under Section 22(4) EAA.

The ministry relied on the facts as stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration decision of October 29, 2015 wherein the ministry denied the appellant a health supplement for non-local medical transportation to cover the overnight accommodation costs for himself and his caregiver because he did not meet the legislated criteria set out in in Schedule C Section 2(1)(f) of the EAPWDR.

The legislation considered: EAPWDR

General health supplements

Section 62

The minister may provide any health supplement set out in section 2 [*general health supplements*] or 3 [*medical equipment and devices*] of Schedule C to or for

- (a) a family unit in receipt of disability assistance,
- (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is a dependent child, or
- (c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

Schedule C - Health Supplements

General health supplements

Section 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:

- (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, (B.C. Reg. 317/2008)
 - (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.

The ministry argued that when the EAW contacted the MS office regarding the appellant's appointment on September 28 the EAW learned that appointments were available on September 30 either in the late morning or in the early afternoon. The ministry argued the driving time between the two communities would be 1 to 1½ hours which would provide the appellant and his caregiver sufficient time to leave his community in the morning, drive to his appointment with the MS and return home the same day. The ministry argued that the legislation requires that the ministry provide the least expensive appropriate mode of transportation to attend a medical appointment and since a medical appointment could be arranged during the day overnight accommodation could be avoided in compliance with the legislation.

The appellant argued the ministry did not have the authority to change his medical appointment and driving to Comm B and back home all in the same day was too strenuous for him and he needed to stay overnight. He argued that when the EAW cancelled and re-scheduled his initial appointment from September 28 to September 30 this created a great inconvenience for him because he needed to change work schedules for

his caregivers and other schedules to meet his other responsibilities and commitments. The appellant argued he discovered he couldn't make the September 30 at 1pm appointment because that would have created extra financial costs for him in hiring a driver so he made the appointment with the MS for October 5 at 10am which allowed him to drive to Comm B and return home that same day. The appellant also argued the EAPWDR legislation does not provide any time limits regarding the amount of driving time that a person must travel in one day from their home community before overnight accommodation is approved.

The evidence before the panel is that the appellant's initial appointment with the MS was scheduled for September 28 at 9am, however, upon confirmation by the EAW, the EAW learned that appointments were available in late morning or early afternoon which, in the ministry's opinion, would allow for same day travel as the travel time between the communities, Comm A and Comm B, was 1 to 1 ½ hours. The EAW re-scheduled his appointment to September 30 at 1pm and advised him that the overnight accommodation would not be necessary. The evidence is that the appellant could not attend the appointment on September 30, 2015 and the appellant arranged an appointment for October 5, 2015 at 10am. The evidence is that the appellant and his caregiver drove to the appointment on October 5 and back home in the same day. There is no medical evidence before the panel that the appellant was not able to do this amount of travelling all in one day or that he should not travel that distance home after his medical appointment.

The panel finds that given the travelling time between Comm A and Comm B that the ministry reasonably determined that the least expensive mode of transportation for the appellant to attend his medical appointment with the MS would be to avoid the overnight accommodation.

Therefore, the panel finds that since the appellant's request for the ministry to pay for overnight accommodation does not meet the legislative criteria set out in Schedule C, section 2(1)(f) EAPWDR, the ministry's decision to deny the appellant a health supplement to cover transportation for overnight accommodation while attending his medical appointment in Comm B was reasonable.

The panel finds that the ministry's reconsideration decision is a reasonable application of the legislation in the circumstances of the appellant, and accordingly confirms the decision pursuant to section 24(1)(b) and 24(2)(a) of the Employment and Assistance Act.