

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of November 19, 2015, which denied the appellant’s request for a medical transportation supplement and a crisis supplement to cover the cost or meet the appellant’s expense to return home from City B to City A on the basis that he did not meet the criteria set out in the *Employment and Assistance Regulation (“EAR”)* sections 59, 66.1, 66.3, 66.4, 67, 76, Schedule A section 8 and Schedule C section 2(1)(f).

In particular, the ministry found that the appellant was not eligible to receive general health supplements under Schedule C, as he did not meet the requirements of EAR sections 67, 76, or Schedule C section 2(1)(f). The ministry also found that the appellant did not face a direct and imminent life threatening health need that the requested medical transportation would meet, as required by EAR section 76.

The ministry also found that the appellant did not meet the requirements of EAR section 59 for a crisis supplement as failure to obtain funding for a transportation expense would not result in imminent danger to the appellant’s physical health and because the appellant had resources available to meet the unexpected transportation expense.

PART D – Relevant Legislation

EAR sections 59, 66.1, 66.3, 66.4, 67, 76, Schedule A section 8, and Schedule C section 2(1)(f)

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- The appellant is a single recipient of income assistance.
- Letter from the appellant's physician in City B dated December 9, 2014 indicating that the appellant has restricted range of motion secondary to whiplash that fits with the appellant's accidents of 2010.
- The ministry notes that on October 1, 2015 the appellant called the ministry and advised that he had obtained a ride to another city ("City B") to attend a funeral, had a ride part way home ("City C") but not all the way and required transportation back to the city in which he resides ("City A"). The appellant also advised that he had seen a doctor in City B and obtained a letter for his ICBC case arising from a motor vehicle accident.
- The ministry notes indicate that the appellant called on October 5, 2015 requesting transportation from City C to City A.
- Letter from the appellant's physician in City B dated October 6, 2015 noting that the appellant attended on August 5 and September 23, 2015.
- The ministry notes that the appellant called on October 9, 2015 advising that he was still in City B, that his ride had left him and he had no way to get home, back to City A.
- The appellant's Request for Reconsideration dated November 9, 2015 in which he states that he had to see his doctor in City B as his past lawyer stated it is best for his ICBC case. The appellant states that the doctors in City A where he now resides were not much help for his case so when a family member passed away near City B and he was able to get a ride from City A to City B with some other people he took the ride. The appellant states that he had to pay his own way back from City B, of roughly \$200, which was his living portion of his cheque. The appellant states that he now needs food.

In his Notice of Appeal the appellant states that he needed to see his doctor in City B but could not make an appointment without knowing how to get to City B. The appellant states that his lawyer told him to keep one doctor for his ICBC case so when a family friend passed away and a ride was going from City A to City B, he took the ride.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to section 86(b) of the *Employment and Assistance Regulation*.

The ministry relied on the reconsideration decision.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant a medical transportation supplement or a crisis supplement to cover the cost or meet the expense for returning home from City B to City A on the basis that he did not meet the criteria set out in the *EAR* sections 59, 66.1, 66.3, 66.4, 67, 76, Schedule A section 8 and Schedule C section 2(1)(f) was reasonable.

In particular, was the ministry reasonable in determining that the appellant was not eligible to receive general health supplements under Schedule C as he did not meet the requirements of *EAR* section 67 and that the appellant did not face a direct and imminent life threatening health need that the requested medical transportation would meet, as required by *EAR* section 76.

In addition, was the ministry reasonable in determining that the appellant did not meet the requirements of *EAR* section 59 for a crisis supplement on the basis that failure to obtain funding for a transportation expenses would not result in imminent danger to the appellant's physical health and because the appellant had resources available to meet the unexpected transportation expense.

The relevant legislation is as follows:

EAR section 59: Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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.

Division 5 – Health Supplements

66.1 In this Division:

"**qualifying person**" means a person who

(a) has persistent multiple barriers to employment, or

(b) is a recipient of income assistance who is described in section 8 (1) [*people receiving special care*] of Schedule A. (B.C. Reg. 114/2010) (B.C. Reg. 145/2015)

General health supplements

67 (1) 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 income assistance, if

(i) the family unit includes a qualifying person, or

(ii) the health supplement is provided to or for a person in the family unit who is a dependent child,

(2) Subject to subsection (3), 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 family unit if the health supplement is provided to or for a recipient in the family unit who

(a) has received income assistance under the BC Benefits (Income Assistance) Act or the Act continuously from March 31, 1997 and on March 30, 1997, was eligible under section 37 (1) (a) of the BC Benefits (Income Assistance) Regulations, B.C. Reg. 272/96, as it read on March 30, 1997, for the health care services and benefits referred to in that provision, or

(b) is a dependant of a recipient referred to in paragraph (a).

(3) Subsection (2) applies only until the earlier of the following dates:

(a) the date the recipient ceases to receive income assistance;

(b) the first day of the calendar month after the minister makes a determination that the recipient, or any dependant of the recipient other than a dependent child, is capable of accepting employment.

(4) Repealed (B.C. Reg. 145/2015) (B.C. Reg. 89/2005) (B.C. Reg. 170/2008) (B.C. Reg. 67/2010)

Health supplement for persons facing direct and imminent life threatening health need

76 The minister may provide to a family unit any health supplement set out in sections 2 (1) (a) and (f) [*general health supplements*] and 3 [*medical equipment and devices*] of Schedule C, if the health supplement is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under this 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) a person in the family unit is eligible to receive premium assistance under the *Medicare Protection Act*, and (B.C. Reg. 145/2015)
- (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 3.12, other than paragraph (a) of section 3 (1).
- (B.C. Reg. 61/2010) (B.C. Reg. 197/2012)

EAR Schedule C, section 2(1)(f) - 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 67 [*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, (B.C. Reg. 317/2008)
 - (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 appellant's position is that he requires the crisis supplement for medical transportation as he needed to go to City B to see his doctor in order to obtain consistent treatment for the purposes of his ICBC claim, and although he was able to get an unexpected ride from City A to City B he was not able to get a ride back. As set out in the RFR, he did not have the funds to pay for his transportation back to City A and had to use his support assistance to pay for the transportation, so now he needs money for food.

The ministry's position, as set out in the reconsideration decision is that the appellant does not meet the criteria set out in the EAR for a medical transportation supplement or a crisis supplement to cover the cost or meet the expense for returning home to City A from City B.

The ministry's position, is that the appellant is not a qualifying person as he does not meet the criteria set out in section 67 of the EAR, he does not have Persons with Persistent Multiple Barriers (PPMB) status, he is not a resident of a special care facility, he is not eligible for access to Medical Services Only or transitional health services, does not have a dependent child, and is not a dependent child of an eligible person.

The ministry's position is that the appellant does not qualify for a health supplement under Schedule C section 2(1)(f) and EAR section 76 as he has not provided information to establish that he faces a direct and imminent life threatening need and that he requires the necessary health supplement to meet the life threatening need. The reconsideration decision notes that the medical information provided indicates that the appellant attended a doctor's appointment to obtain medical documentation for a pending ICBC claim.

Schedule C, section 2(1)(f) sets out that the ministry may provide the least expensive appropriate mode of transportation to or from an office, in the local area, of a medical practitioner, the office of the nearest available specialist, or the nearest suitable hospital provided that the transportation is to enable the person to receive a benefit under the Medicare Protection Act or the Hospital Insurance Act. The ministry's position is that the appellant does not meet the legislated criteria. The reconsideration decision notes that the information provided is that the appellant lives in City A but attended with a family physician at his office, not a specialist's office and not at a hospital, so the appellant has not met the legislated criteria. The ministry's position is that the appellant could have attended with another family physician in City A as an online search indicates that there are several doctors in City A accepting new patients.

The ministry notes that the appellant did receive a benefit under the Medicare Protection Act, but that the minister was not satisfied that the appellant did not have the resources to cover the cost of his travel as the information shows that he got a free ride to City B and was able to use some of his support assistance to return back to City A.

The ministry's position is that the appellant does not qualify for a crisis supplement under EAR section 59(1). The ministry was satisfied that the appellant required a crisis supplement to meet an unexpected expense, being the travel back to his home in City A, as his ride left him in City B. However, the minister was not satisfied that the appellant had no available resources to meet the expense as the appellant was able to use some of his assistance to travel back to City A. The minister was also not satisfied that failure to meet the expense to return home would have resulted in imminent danger to the appellant's physical health as the information shows that the appellant was able to stay with his sister and he has not provided any information demonstrating this criterion.

Panel Decision

Medical Transportation Supplement

As the evidence shows the appellant is a single recipient of income assistance, does not have PPMB status, is not a resident of a special care facility, is not eligible for access to Medical Services Only or to transitional health services, does not have a dependent child and is not a dependent child of an eligible person, the panel finds that the ministry's decision that the appellant did not meet the criteria

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set out in section 67 of EAR to qualify for general health supplements was reasonable.

EAR section 76 provides that the ministry may provide a health supplement to an applicant who is not otherwise eligible if they meet the criteria in Schedule C, section 2(1)(f) and if they face a direct and imminent life threatening health need and there are no resources available to meet that need, and the health supplement is necessary to meet that need.

Schedule C, section 2(1)(f) sets out that the ministry may provide the least expensive appropriate mode of transportation to or from an office, in the local area, of a medical practitioner, the office of the nearest available specialist, or the nearest suitable hospital provided that the transportation is to enable the person to receive a benefit under the Medicare Protection Act or the Hospital Insurance Act. The appellant saw a doctor in City B and received a benefit under the Medicare Protection Act and although he states that his lawyer told him that he should stick with one doctor for the purposes of his ICBC case, there is no other information provided as to why that was necessary, and no other medical information indicating that he needed to see a doctor in City B as opposed to his local area, which is City A. Further, since the appellant saw a medical practitioner in another city, outside his local area, the evidence provided was to the effect that this physician was a general practitioner and not a specialist, thus, not meeting the requirements of s. 2 (1)(f)(ii) of Schedule C of the EAR. The panel finds that the ministry's decision that the appellant did not meet the criteria of Schedule C, section 2(1)(f) was reasonable.

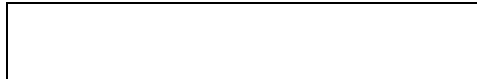
The information provided establishes that the appellant went to City B and saw a doctor and although he requested a crisis supplement for the cost of transportation back to City A, there was no information to establish that he faces a direct and imminent life threatening need and that the medical transportation is necessary to meet that need, so the panel finds that the ministry's decision that he did not meet the legislated criteria of EAR section 76 was reasonable. As the appellant was able to use some of his support assistance to cover the cost of his transportation back to City A, the ministry's decision that the appellant did not establish that there were no resources available to meet that need was reasonable.

Crisis Supplement

The panel finds that as the appellant was able to use some of his support assistance to cover the cost of travel from City B to City A, the ministry was reasonable in determining that the appellant had not demonstrated that he did not have available resources to meet the transportation expense. The panel finds that the information from the physician dated October 6, 2015 indicates that the appellant attended for appointments but there is no information to indicate that the appellant's failure to obtain a crisis supplement for the cost of travel from City B to City A would have resulted in imminent danger to his physical health. The appellant had a place to stay with his sister in City B and although he states that he needs food there is no information to indicate that he faced or faces an imminent danger to his physical health. Accordingly, the panel finds that the ministry's decision that the appellant did not meet the criteria of EAR section 59(1) was reasonable.

Conclusion

As the panel finds that the ministry's reconsideration decision that the appellant did not meet the legislative criteria for a medical transportation supplement or a crisis supplement to cover the cost or



meet the expenses for transportation home to City A was reasonable, the panel therefore confirms the ministry's reconsideration decision.