

## PART C – Decision under Appeal

The decision under appeal is the ministry's reconsideration decision dated April 27, 2016 that denied the appellant's application for funds to cover the cost of transportation to her physician for a medical appointment. The ministry determined the appellant was eligible for general health supplements within Schedule C however her request for medical transportation does not meet the legislated criteria of EAPWDR schedule C 2(1)(f). The ministry determined the appellant's physician is a general practitioner but is not in her local area (the physician is in a city 330 km away), the appellant's physician is not registered as a specialist by the College of Physicians and Surgeons of BC, and that the appellant's travel was not required to receive services at the nearest suitable hospital.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disability Regulations (EAPWDR), sections 5, 62.  
Employment and Assistance for Persons with Disability Regulations (EAPWDR), schedule C section 1 and 2(1)(f)

## PART E – Summary of Facts

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

- A business card for the appellant's physician with his office address approximately 330km away from where the appellant currently lives.
- A Request for Non-Local Medical Transportation Assistance form completed by the appellant dated March 11, 2016. The request is for the appellant to travel to her physician's office 330km away and stay for two nights in the city at a cost of \$50 per night.
- A hand written submission from the appellant dated April 8, 2016. The appellant writes:
  - She had a 12-hour surgery to correct a severe back condition.
  - She moved to a new city to live with her daughter so she has help with her daily living activities.
  - The appellant is on a complex pain management program.
  - Seven physicians have refused her in her new city because her need for care is too complex and therefore must continue to see her original physician in the city where she formerly lived.
  - She is on a 6-8 month wait-list for a pain management specialist in her current city.
  - Without her pain medications she would be unable to care for herself.
  - She may have to have an additional surgery.
  - She will ask her physician if he will prescribe her two months' of medication but he may be reluctant to do so because of the type of these medications.
  - She is also dealing with Crohn's Disease with her physician.
  - She feels her physician in the city where she formerly lived is acting as a specialist for her.

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under s.86(b) of the Employment and Assistance Regulations.

At the hearing the ministry reviewed the reconsideration decision reasons. The ministry added that it does not get involved in assisting clients in finding physicians in their local areas but noted that the appellant's surgeon in her new city, or her current physician, may be a resource in getting a referral to a physician closer to the appellant's new residence.

No additional evidence was provided by the ministry at the hearing.

The Panel finds as a fact the following:

- The appellant's physician is located approximately 330 km away from her current residence.
- The appellant's physician is not registered as a specialist by the College of Physicians and Surgeons of BC

## PART F - Reasons for Panel Decision

The issue to be determined is the reasonableness of the ministry's decision to deny the appellant funds to cover the cost of transportation to her physician for a medical appointment.

The applicable legislation is the EAPWDR:

### **Applicant requirements**

5 For a family unit to be eligible for disability assistance or a supplement, an adult in the family unit must apply for the disability assistance or supplement on behalf of the family unit unless

- (a) the family unit does not include an adult, or
- (b) the spouse of an adult applicant has not reached 19 years of age, in which case that spouse must apply with the adult applicant.

### **General health supplements**

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.

### **EAPWDR Schedule C**

**"specialist"** means a medical practitioner recognized as a specialist in a field of medicine or surgery in accordance with the bylaws made by the board for the College of Physicians and Surgeons of British Columbia under section 19 (1) (k.3) and (k.4) of the *Health Professions Act*.

### **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:

- (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.

The appellant's position is that she requires funding to attend a medical appointment with her general practitioner in the city where she formerly lived, approximately 330 km from her current residence. She argues that due to her complex pain management needs she has been unable to find a regular doctor in her new city. She argues she needs to meet with her current physician to have her prescriptions renewed and to seek treatment for Crohn's disease.

The ministry's position is that the appellant's request does not meet the criteria set out in the EAPWDR to have her transportation costs covered by the ministry. The ministry determined the appellant was eligible for general health supplements within Schedule C however her request for medical transportation does not meet the legislated criteria. The ministry determined the appellant's physician is a general practitioner but is not in her local area (the physician is in a city 330km away), the appellant's physician is not registered as a specialist by the College of Physicians and Surgeons of BC, and that the appellant's travel was not required to receive services at the nearest suitable hospital.

The criteria for travel expenses is contained in the EAPWDR schedule C 2(1)(f). Regarding the ministry's determination that the appellant's physician is not in her local area the panel finds the ministry was reasonable. The evidence states the appellant's physician is approximately 330 km from where she currently lives. The appellant acknowledges that there are other physicians in her new city.

Regarding the ministry's determination that the appellant's physician is not registered as a specialist by the College of Physicians and Surgeons of BC, the panel finds the ministry was reasonable. The panel was not presented with any evidence to suggest the appellant's physician is a specialist. The panel considered the appellant's argument that she feels her physician is doing the work of a specialist in terms of her pain management. The panel finds the legislation requires that a specialist physician be registered as such with the College of Physicians and Surgeons of BC.

Regarding the ministry's determination that the appellant's request was not for travel to receive services at the nearest suitable hospital or rehab hospital, the panel finds the ministry was reasonable. The appellant's request is to attend a regular medical appointment with her physician. The panel was not presented with any evidence to suggest the appellant's request was for to receive services at a hospital.

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