

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “Ministry”) reconsideration decision, dated June 14, 2017 (the “RD”), in which the Ministry found that the Appellant was eligible for a medical transportation supplement for a trip to a urologist (the “Doctor”) in Trail, B.C., based on total travel distance of 142.4 kilometres. The Appellant had sought a medical transportation supplement based on a travel distance of 143.4 kilometres.

PART D – Relevant Legislation

Employment and Assistance For Persons With Disabilities Act – EAPWDA, section 5

Employment and Assistance For Persons With Disabilities Regulation – EAPWDR, Schedule C, sections 2(1)(f)

PART E – Summary of Facts

On May 2, 2017, the Appellant submitted a Request for Non-Local Medical Transportation Assistance form in relation to a trip from his home in Nelson, B.C. to the Doctor's office in Trail, B.C., claiming total travel distance of 142 kilometres.

On May 3, 2017, the Ministry approved the Appellant's request for a medical transportation supplement based on a return trip of 141.4 kilometres.

At reconsideration, the Appellant argued that a Google Map trip planning tool he had used to determine the distance of the trip to the Doctor's office indicated a distance of 71.7 kilometres each way, for a total of 143.4 kilometres.

At reconsideration, the Ministry increased the number of kilometres for which the Appellant was eligible for a medical transportation supplement to 142.4 kilometres.

The evidence before the Ministry at reconsideration, consisted of the following:

1. The Appellant's appointment card with the urologist;
2. The Appellant's application for Non-Local Medical Transportation Assistance, dated May 2, 2017; and
3. The Appellant's Request for Reconsideration ("RFR"), dated June 1, 2017.

Attached to the RD as appendix C were two trip plans, prepared using Google Maps, showing the driving distance from the Appellant's home to the Doctor's office as being 70.7 kilometres and the driving distance from the Doctor's office to the Appellant's home as being 71.7 kilometres. There is no explanation provided in the RD for the discrepancy in the two driving distances, which simply reverse the exact same addresses as the start and end points, respectively, for the two trips.

PART F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's reconsideration decision that the Appellant was eligible for a medical transportation supplement, pursuant to section 2(1)(f) of Schedule C to the EAPWDR for a trip to the Doctor's office in Trail, B.C., based on a total round trip travel distance of 142.4 kilometres and not 143.4 kilometres, as claimed by the Appellant, was a reasonable application of the provisions of the statutory provisions in the legislation or was reasonably supported by the evidence before the Ministry at the time of the RD.

Section 5 of the EAPWDA authorizes the Ministry to provide disability assistance or a supplements to eligible recipients:

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Section 2 of Schedule C of the EAPWDR authorizes the Ministry to pay for transportation costs for eligible recipients for medical appointments, subject to specific criteria, as follows:

Medical equipment and devices

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.

Positions of the Parties

Appellant's Position

The Appellant's position is that his revised request for reimbursement for 143.4 kilometres of travel to and from the Doctor's office is based on his use of the Google Maps' mapping tool which showed that the distance between his home address and the address of the Doctor was 71.7 kilometres. In order to determine the total distance traveled by the Appellant to and from the Doctor's office, the Appellant simply doubled that distance.

In his Notice of Appeal, the Appellant advised that he based his request on his paperwork and asked why the Ministry produced 2 maps for his trip with two different distances.

In his evidence at the hearing, the Appellant confirmed that he did not rely on the odometer in his vehicle to calculate his travel distance because he was concerned about its accuracy due to the condition of his tires. The Appellant did confirm that he took the same route home from the Doctor's office that he had taken to the Doctor's office. The Appellant did agree that the route through Castlegar was slightly different for his trip home than it was for his trip to the Doctor's office, due to different ramps being used to change highways but did not believe that those differences would account for a one kilometre difference in the travel distances.

The Appellant gave evidence that, although there is bus service to Trail from Nelson, he does not take buses.

Ministry's Position

The position of the Ministry is that the driving distance from the Doctor's office to the Appellant's home is actually one kilometre longer than the trip from the Appellant's home to the Doctor's office.

The Ministry representative explained at the hearing that this is likely due to the fact that when drivers pass through Castlegar on the way from Trail to Nelson, they are required to travel slightly further north in Castlegar when changing from Highway 22 to Highway 3 and to take a ramp that initially takes them south before looping back north when changing from Highway 3 to Highway 3A on the east side of the Columbia River in Castlegar. When traveling from Nelson to Trail, the highway exchanges are more direct and, in the result, the driving distance from Nelson to Trail is slightly shorter than the reverse trip.

At the hearing, the Ministry representative advised that its policy was to use Google Maps to confirm the distances traveled in respect of requests for travel supplements.

The Ministry representative also advised the panel that it does not require recipients to take public transportation in all instances and that it does not round up driving distances to the nearest kilometre.

The Ministry representative also explained that the Ministry typically doesn't rely solely on reported travel distances from recipients because it has found that recipients may take unrelated detours and mapping software tends to provide the most accurate determination of travel distances.

Panel's Decision

Section 2(1)(f) of Schedule C of the EAPWDR permits the Ministry to pay 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 legislation is not clear as to how the Ministry is to determine what constitutes “the least expensive appropriate mode of transportation” and there are a number of different methods that the Ministry could use to confirm the distances traveled by recipients to and from medical appointments, including any number of different mapping programs. The use of Google Maps, as opposed to other methods or online mapping tools, to determine the distances traveled by recipients making claims for supplements for medical transportation, although not required or mandated by any statutory provision, is nevertheless consistent with the purpose and objective of section 2(1)(f) of Schedule C of the EAPWDR, which is to provide a supplement equal to “*the least expensive* (emphasis added) appropriate mode of transportation.” In the present case, Google Maps’ mapping tool confirmed that the Appellant’s trip from his home in Nelson to the Doctor’s office in Trail should have been 70.7 kilometres in length and the return trip should have been 71.7 kilometres in length, for a total of 142.4 kilometres round trip.

In view of the foregoing, the panel finds that the ministry’s reconsideration decision, which determined that the appellant was eligible for a supplement for medical transportation, based on a driving distance of 142.4 kilometres instead of 143.4 kilometres was reasonably supported by the evidence and was a reasonable application of section 2(1)(f) of Schedule C to the EAPWDR. In the result, the panel confirms the Ministry’s reconsideration decision and the appeal is dismissed.