

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) September 28, 2021 reconsideration decision denying the appellant’s request for a medical transportation supplement to attend an appointment for a medical procedure because the ministry determined that the eligibility requirements set out in Schedule C, Section 2(1)(f) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) had not been met.

Specifically, the ministry could not confirm the appellant attended the appointment on August 20, 2021, and therefore, is unable to pay the costs of transportation to and from it.

**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****Information Provided at Reconsideration**

- Request for Reconsideration (RFR) dated September 16, 2021 in which the appellant expressed having:
  - significant weight loss and none of their clothes fit.
  - an appointment on August 6, 2021 at the hospital away from home for a procedure and appointments with the doctor on August 20 and September 29.
  - Need of a chaperone because of being put under anaesthetic and needs to stay in a hotel.
  - two procedures done with treatments at the hospital.
  - to be at the hospital the day prior to the appointment because the bus runs only in the afternoons and involves taking a taxi as well. The appellant indicates it takes several hours to get to the hospital.
  - to go to a hospital in a different community because the appellant's community did not have the required screening program or specialist.
- A letter dated August 19, 2021 from the appellant's doctor, sent by fax, which states the appellant has an appointment on August 20, 2021 for a procedure at the hospital.
- An undated email from the appellant's screening program indicating the appellant has a procedure on October 15, 2021 at 2:30 pm.
- Post-procedure instructions dated August 6, 2021 indicates a follow up procedure on August 12, 2021.

**Additional Information**

On the Notice of Appeal (NOA) the appellant noted that ongoing trips to a hospital are required for treatment and to see the specialist.

The appellant did not attend the hearing. Upon confirming that the appellant was notified of the date and time the panel considered the appeal in the appellant's absence as it is authorized to do under section 86(b) of the EAR. The panel will reference the appeal record for the appellant's position.

At the hearing, the ministry explained the usual process for requesting a medical transportation supplement is for the client to complete a Request for Medical Transportation form two to three weeks prior to any medical appointment. The form requests information on who the appointment is with, the date of the appointment, and what type of transportation and accommodation expenses are required. The ministry would then issue a medical transportation supplement based upon the estimate of what is required, followed up afterwards with the client providing receipts for the expenses.

The ministry argues, in the appellant's circumstance, because the doctor's office wrote on August 19, 2021 that an appointment was required for a procedure at the hospital the following day, August 20, 2021, the ministry did not have sufficient time prior to the scheduled appointment to review the request, but were willing to consider post-appointment

reimbursement. The ministry stated that because the appellant had a past history of making a fraudulent claim for medical transportation expenses they needed to verify the appellant's appointment. The ministry contacted the hospital where the appellant claimed that the procedure had been scheduled. The hospital responded that it had no record of the appellant having an appointment on August 20, 2021 nor had the appellant been in contact with them regarding an appointment on this date. On August 23, 2021 the ministry contacted the appellant and requested receipts for expenses incurred, which the appellant failed to provide.

The ministry argues because they could not confirm the appellant's appointment on August 20, 2021 and the appellant did not provide any receipts confirming they incurred expenses to travel to a medical appointment, they could not provide reimbursement for medical transportation expenses.

### **Admissibility of Additional Information**

The panel admits the appellant's NOA and the ministry's oral evidence at the hearing under section 22(4) of the Employment and Assistance Act, which allows for the admission of evidence reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

**Part F – Reasons for Panel Decision**

The issue under appeal is whether the ministry was reasonable in denying the appellant's request for a medical transportation supplement to attend an appointment for a medical procedure because the ministry determined that the eligibility requirements set out in Schedule C, Section 2(1) (f) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) had not been met.

**Analysis**

The appellant's NOA took the position that, having significant health issues, the appellant requires numerous and ongoing appointments out of their home community because the treatment is not available locally. Travelling out of town for these appointments requires a bus trip, taxi fare, overnight hotel accommodation and food, and that future treatment requires these things.

The ministry's position is they are not denying future medical transportation supplements, only the request for a medical transportation supplement for the August 20, 2021 appointment. The basis of the denial was because the appellant did not provide receipts for the subject trip nor could the ministry confirm the appointment was made or attended for the August 20<sup>th</sup> date.

**Panel Decision**

Schedule C Section 2(1)(f) sets out that the ministry may issue medical transportation supplements, provided that a number of eligibility criteria are met, including that the appointments are to attend a medical practitioner, nurse practitioner, specialist or hospital, and provided that they are to receive a benefit under the *Medicare Protection Act* or a general hospital service under the *Hospital Insurance Act*.

The panel notes the appellant wrote as the reason for requesting a reconsideration is that they have numerous past and upcoming appointments that will incur expenses to travel to, and they are concerned the ministry will not assist because the appointments are not within the local community. The panel notes the ministry has issued the appellant medical transportation out of the community in the past, and that the ministry advised the appellant to submit future requests to them. However, the only decision under appeal is that the ministry had decided to not reimburse expenses for the August 20, 2021 appointment. The appellant did not address the August 20, 2021 appointment at all in the Request for Reconsideration (RFR) or the NOA and did not provide any verification of attending this appointment.

The panel accepts that the ministry contacted the hospital where the appointment was to have occurred to confirm the appointment because the fax letter from the doctor was insufficient as confirmation. The appellant had already been issued medical transportation funds to attend the same procedure on August 6, 2021 so the panel questions why there was no documentation to confirm that the same procedure was completed again two weeks later, or to confirm the transportation and hotel expenses incurred. The appellant did not provide any receipts or confirmation of having attended the August 20<sup>th</sup> appointment.

Schedule C Section 2(1)(f) allows the ministry to issue medical transportation funds to attend an appointment at a hospital, providing the appointment is to receive a benefit under the *Medicare Protection Act* or a general hospital service under the *Hospital Insurance Act*. The panel found no evidence to confirm the appellant received a benefit under the *Medicare Protection Act* or a service under the *Hospital Insurance Act* on August 20, 2021. Therefore, the panel finds the ministry reasonably determined the appellant was not eligible for a medical transportation supplement to attend the August 20, 2021 appointment.

## Conclusion

The panel concludes that the ministry's determination that the appellant is ineligible for a medical transportation supplement is reasonably supported by the evidence and is a reasonable application of the legislation in the appellant's circumstances. The panel confirms the decision. The appellant is not successful in this appeal.

## Appendix A

### EAPWDR:

#### 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

#### Schedule C Section 2

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.

APPEAL NUMBER 2021-0195

**Part G – Order**

The panel decision is: (Check one)       Unanimous       By Majority

The Panel       Confirms the Ministry Decision       Rescinds the Ministry Decision

If the ministry decision is rescinded, is the panel decision referred back  
to the Minister for a decision as to amount?      Yes       No

**Legislative Authority for the Decision:**

*Employment and Assistance Act*

Section 24(1)(a)       or Section 24(1)(b)

Section 24(2)(a)       or Section 24(2)(b)

**Part H – Signatures**

Print Name

Janet Ward

Signature of Chair

Date (Year/Month/Day)

2021 November 3

Print Name

Kent Ashby

Signature of Member

Date (Year/Month/Day)

2021 November 3

Print Name

Margarita Papenbrock

Signature of Member

Date (Year

2021 November 4