

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision (the decision) dated 26 April 2022 which denied disability assistance because the appellant has income that exceeds the ministry's monthly rate of assistance. As a result of this decision, the appellant lost nutritional and transportation supplements available to someone receiving disability assistance.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWD Act) – Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWD Regulation) –
Section 1, 9, and 24, 51, 54(2), 61.1, 62, 66, 67
Schedule A Section – 1, 2, and 4.
Schedule B – Section 1, 3, 6, 7, 8 and 9.
Schedule C – Section 2 and 3.
Employment and Assistance Regulation Employment and Assistance Regulation (EAR)--
Section 66 (1)(a)

Part E – Summary of Facts

The evidence before the minister at reconsideration included the information below.

The appellant had submitted that;

- He had received OAS and GIS income of \$1584.08 on January 7, 2022, and \$1601.51 on February 11, 2021,
- His application for Person with Disabilities PWD level II was accepted for suppressed immune system, and he has many other health problems including respiratory problems and diabetes etc.
- He contends that he is entitled to compensation for his suppressed immune system.
- The Ministry decision maker did not take into account that the British Columbia Government's poverty level is \$21,000 per year, and referred to "Where Do We Stand on Income? – Here to Help BC" report, "Together BC, British Columbia's first ever poverty reduction strategy" report.
- The Ministry decision maker did not consider the British Columbia Poverty Reduction Strategy Act.
- He is entitled to the Nutrition Allowance/Supplement. i.e., High protein diet, diabetic diet, vitamins, and minerals, and
- He is also entitled to the transportation supplement. The Ministry pays for the annual Bus Pass (\$800) until a person's RIP. As the appellant does not have or need a bus pass, he should continue to receive the transportation supplement.

Hearing

The hearing was held as a written appeal. Both the appellant and the ministry provided written submissions.

Appellant

The appellant in a written submission, dated 10 June 2022, reiterated almost verbatim the statements made in the request for reconsideration, that the ministry did not take the BC Poverty Reduction Act into consideration and that he is entitled to the dietary and transportation supplements. The appellant also stated that the ministry pays the bus pass for life and therefore should continue paying the transportation supplement. The appellant states he requires a wheelchair for mobility and prefers travelling by automobile, and that he is currently being provided with MSO services only.

The appellant further states that he believes the ministry erred in alleging the monthly nutritional supplements and the transportation supplement is not part of the reconsideration, and that if this is true then why are the supplements not being paid.

Ministry

The ministry in written submission dated 13 June 2022, relies on the Reconsideration Decision. The ministry also clarified that the Reconsideration Decision is regarding the ministry's decision to deny the appellant disability assistance because his income exceeds the rate of assistance. The ministry stated that the appellant submits he should be eligible to receive a transportation supplement and monthly nutritional supplements. To be eligible for these supplements, a family unit must be eligible for disability assistance, and the ministry states the appellant is not eligible for disability assistance because his income is more than the ministry's rate of assistance.

The ministry then stated that it is important to note a family unit who is over 65 years of age and in receipt of the GIS may be eligible for a Bus Pass Supplement as set out in Section 51 of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation. However, there is not an option to convert the bus pass into the form of cash as there is for a recipient of disability assistance who receives the Persons with Disabilities Transportation Supplement as set out in Section 54.2 of the EAPWD Regulation.

Admissibility of new information

Section 22(4) of the EAA says that a panel may consider evidence that is not part of the record that the panel considers to be reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Once a panel has determined which additional evidence, if any, is admitted under EAA Section 22(4), instead of asking whether the decision under appeal was reasonable at the time it was made, a panel must determine whether the decision under appeal was reasonable based on all admissible evidence.

In this case the appellant provided information that supported the original request for reconsideration and then queried whether the ministry indeed considered the request.

The ministry added to comments in the reconsideration decision regarding an appellant's potential eligibility for a transportation or bus pass.

The panel finds that this information is relevant because it relates directly to the appellant's original testimony discussed in the reconsideration decision regarding his belief that an entitlement to dietary and transportation supplements exists, and the ministry's refusal to directly address the appellant's eligibility for these supplements.

The panel admits the new information under section 22(4) of the Employment and Assistance Act ("EAA") as evidence that is 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 in this appeal is the reasonableness of the ministry's decision that the appellant is receiving excess unearned income, which renders the appellant ineligible for continued disability assistance. The panel will also address what it finds to be the ministry's decision that the appellant is ineligible for dietary and transportation cash supplements. Specifically, were the ministry decisions reasonably supported by the evidence or a reasonable application of the applicable enactment in the circumstances of the appellant?

The relevant legislation is provided in Appendix A.

Appellant Position

At reconsideration and hearing, the appellant argues that he is entitled to dietary supplements for high protein diet, diabetic diet, vitamins and minerals, and a transportation supplement, as he prefers an automobile being required to use a wheelchair for mobility. These supplements should be continued as a cash allowance.

The appellant also argues the ministry erred in stating the request for supplements was not part of the reconsideration.

Ministry Position

The ministry argues that the income the appellant received is considered unearned income and exceeds the rate of disability assistance. As a result, he is not eligible for disability assistance. The ministry also argues that a person who leaves disability assistance because they are over 65 years of age and in receipt of a qualifying federal benefit over the rate of disability assistance is eligible for Medical Services Only, (MSO). Further, the ministry states that monthly nutritional supplements and the transportation supplement are not included with MSO.

At hearing the ministry argues, that although the appellant claims he should be eligible to receive a transportation supplement and monthly nutritional supplement. To be eligible for these supplements a family unit must be eligible for disability assistance, which the appellant is not.

Also, in written submission, the ministry notes that an appellant who is over 65 years of age and in receipt of the GIS may be eligible for a Bus Pass Supplement under Section 51 of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation. But that this is without an option to convert the bus pass into the form of cash, as there is for a recipient of disability assistance who receives the transportation supplement as set out in Section 54.2 of the EAPWD Regulation.

Panel Decision

The panel notes the arguments by both parties put before the panel are not in agreement as to the core concern. The appellant argues for the continued provision of two supplements and the

ministry argues in reconsideration as to eligibility for disability allowance only and says the request for supplements is outside of the reconsideration.

The panel will first consider the eligibility for disability allowance and then the request for continued provision of supplements.

Section 5 of the EAPWD Act states the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it. The calculation of monthly disability assistance is defined in section 24 of the EAPWD Regulation and states the amount cannot be more than the amount determined under Schedule A, minus the family unit's net income determined under Schedule B. Further, section 9 of the regulation states that a person is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A.

Sections 2 and 4 of Schedule A provide the rates for support and shelter. For a sole recipient of a persons with disabilities designation the panel notes the rate is \$983.50 support and \$375 shelter for a total of \$1358.50.

Section 1 of the EAPWD Regulation defines unearned income as any income that is not earned income and includes Federal Old Age Security and Guaranteed Income Supplement payments. The panel therefore finds the appellant's current monthly income to be unearned income.

In calculation of net income, the legislation provides several exemptions and deductions from income under section 1 of schedule B of the EAPWDR. Section 1(d) of the EAPWD Regulation requires that all unearned income must be included in the determination of net income, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

The panel notes money received from Federal Old Age Security and Guaranteed Income Supplement are not listed as an income that may be deducted under section 6 or exempted under section 3, 7 or 8 of the EAPWD Regulation.

Both the appellant and the ministry agree that the appellant is receiving federal OAS and GIS payments. The appellant has not contested the ministry's finding that the appellant is aged 65 or older. The panel notes the appellant submitted monthly reports showing monthly OAS and GIS amounts of \$1584.08 and \$1601.51 for January and February 2022. The ministry said it received data from Service Canada which indicates the appellant was issued a monthly OAS amount of \$642.25 and a GIS amount of \$959.26 from January 1 to March 31, 2022. The ministry calculated the monthly net income for that period as \$1601.51. The panel finds the OAS and GIS amounts to be net income under Schedule B of the EAPWDR, and these amounts exceed the ministry's rate of assistance calculated previously under Schedule A of \$1358.50.

Therefore, under section 9 of the EAPWD Regulation, as the appellant's OAS/GIS income exceeded the ministry's rate of disability assistance the panel finds the ministry's determination that the appellant is not eligible for disability assistance to be reasonably supported by the evidence.

Supplements

The panel notes the concern of the appellant that the eligibility for supplements has not been considered by the ministry and that the payments are not now being paid. The panel has noted the appellant has used eligibility for these supplements as reasons for both reconsideration and appeal.

The panel notes that although the ministry states in both the reconsideration decision and in the written submission that the reconsideration decision only considers the eligibility of disability assistance, each document provides commentary on the request for supplements. The panel notes the ministry does not specifically state that the appellant is not eligible for either the dietary or transportation supplement. However, the panel finds the ministry made statements that by direct reference to the appellant's circumstance determine the appellant is not eligible for either the dietary or the transportation supplements. The panel therefore finds, albeit poorly worded and not in a form that could be clearly understood by the appellant, that denial of eligibility for the supplements does form part of the reconsideration decision.

The panel notes the appellant's contention that he should continue to receive the transportation supplement as he prefers travelling by automobile. Based on the available evidence the panel finds the appellant has received a cash supplement in the past and it is this supplement in dispute.

Section 54.2 of the EAPWD Regulation states that the minister may provide a transportation supplement for a family unit that is eligible for disability assistance and sets out options and monthly amounts, including a money payment, in the amount of \$52 or in kind, in the form of a bus pass. The ministry argues that as the appellant is no longer a recipient of disability assistance (because his OAS/GIS income exceeds the ministry's rate of disability assistance), he is not eligible to receive a transportation supplement.

As the panel finds the ministry reasonably determined the appellant was not eligible to receive disability assistance under section 5 of the EAPWD Act, the panel also finds the ministry reasonably determined the appellant was not eligible to receive transportation supplements under section 54.2 of the EAPWD Regulation. In other words, this transportation supplement can only be provided to someone who is eligible to receive disability assistance.

The panel has noted the statement in the written submission by the ministry that "it is important to note a family unit who is over 65 years of age and in receipt of the GIS may be eligible for a Bus Pass Supplement as set out in Section 51 of the EAPWD Regulation". The ministry goes on to state that such a supplement does not have an option to convert the bus pass into the form of cash as is the case for the Persons with Disabilities transportation supplement as set out in Section 54.2 of the EAPWD Regulation. However, the panel also notes that the ministry states the appellant is a sole recipient and that section 51 applies only to a spousal bus pass supplement. The panel finds section 51 does not apply in the circumstances of the appellant.

The panel notes that the ministry's argument above, regarding section 54.2, includes a reference in section 54.2 (3)(b) to section 66 of the Employment and Assistance Regulation (EAR). Section 66 (1)(a) of the EAR refers to a bus pass supplement that the minister may

provide “to or for a family unit, other than the family unit of a recipient of disability assistance... that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who receives the federal guaranteed income supplement”.

The panel notes this supplement is not available as a cash alternative and the ministry may have been contemplating this legislation in the provision of a cash option argument above.

The panel finds that the ministry did not decide the bus pass supplement under section 66 of the Employment and Assistance Regulation. If the appellant uses public transportation regularly the appellant may consider applying for a bus pass under this legislation and eligibility would need to be determined at that time.

Diet supplement

Section 66 states that the minister may pay for a diet supplement in accordance with section 6 *[diet supplements]* of Schedule C that is provided to a person in receipt of disability assistance who is described in section 6 (1) of Schedule C. This would include monthly cash amounts for high protein diets and diabetes, such as the appellant is claiming. As the panel has found the appellant is not eligible for, and is no longer receiving, disability assistance the panel finds the appellant is therefore not eligible under section 66 of the EAPWD Regulation.

Nutritional supplement

Section 67 of the EAPWD Regulation states the minister may provide a nutritional supplement in accordance with section 7 *[monthly nutritional supplement]* of Schedule C to a person in receipt of disability assistance if the supplement is provided to or for a person in the family unit who is a person with disabilities. This would include monthly cash amounts for vitamins and minerals such as the appellant is claiming. As the panel has found the appellant is not eligible for, and is no longer receiving, disability assistance the panel finds the appellant is therefore not eligible under section 67 of the EAPWD Regulation.

Medical Services Only

Section 61.1 of the EAPWD Regulation states that a person is a main continued person if the person while in receipt of disability assistance, ceases to be eligible for disability assistance on a date the person turns 65. The panel finds the appellant to be a main continued person.

Section 62 of the EAPWD Regulation states that 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 person who is a continued person.

Section 2 of schedule C lists the health supplements that may be paid for by the minister if provided to a person who is eligible under section 62 *[general health supplements]* of the EAPWD Regulation, as a continued person.

Section 2 (1) (a) provides a list of medical, surgical, or consumable supplies that may be paid for by the minister and that they must be (a) prescribed by a medical practitioner or nurse

practitioner, (b) the least expensive supplies appropriate for the purpose, and (c) necessary to avoid an imminent and substantial danger to health, and also that there are no resources available to the family unit to pay the cost of or obtain the supplies. Section 2 (1.1) states for the purposes of subsection (1) (a), medical and surgical supplies do not include nutritional supplements, food, vitamins, minerals or prescription medications. The only consumable supply that may be paid for by the minister are supplies that are required to thicken food.

The panel finds that the provision of a dietary or nutritional supplement payment is not available to the appellant under section 2 of schedule C of the EAPWD Regulation.

Section 2 (1) (f) states that the following health supplement may be paid by the minister; the least expensive appropriate mode of transportation to or from an office of a medical practitioner or nurse practitioner, the nearest available specialist in a field of medicine or surgery, the nearest suitable hospital, provided that 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 if there are no resources available to the person's family unit to cover the cost.

The panel notes that subject to the criteria the appellant would be eligible for this transportation supplement when required under Medical Services Only (MSO) coverage as a continued person however this supplement is not available as a monthly money payment or general non-medical transportation purposes.

Section 3 of schedule C provides a list of medical equipment and devices that may be provided by the minister if the supplements are provided to a continued person, and include equipment and devices under the following headings;

- canes, crutches and walkers,
- wheelchairs,
- wheelchair seating systems,
- scooters,
- toileting, transfers and positioning aids,
- hospital bed,
- pressure relief mattresses,
- floor or ceiling lift devices,
- breathing devices,
- orthoses,
- hearing instruments, and
- non-conventional glucose meters.

The panel finds that the dietary or nutritional supplements requested by the appellant are not part of the medical equipment and devices under section 3 of schedule C.

Poverty Reduction Strategy Act

The appellant claims that the ministry worker and reconsideration officer did not consider the BC Poverty Reduction Act in their decisions. The report cited by the appellant - TogetherBC is a

report which purports to represent a starting point for delivering on the targets introduced in 2018's Poverty Reduction Strategy Act: a 25% reduction in B.C.'s overall poverty rate and a 50% reduction in the child poverty rate by 2024.

The panel notes no further details or evidence provided in this regard by the appellant other than that the British Columbia Government's poverty level is \$21,000 per year. The panel does not know how this statement relates to the eligibility questions arising from the reconsideration decision and therefore arguments specific to the Poverty Reduction Strategy Act (PRSA) will not be considered further.

Summary

The panel has found that the ministry's determination that the appellant is not eligible for disability assistance to be reasonably supported by the evidence. Further, that as the appellant is now eligible for MSO, he is no longer eligible for monthly cash dietary and transportation supplements. The panel has also noted that other opportunities exist for medical transportation services. Finally, the panel has noted the reconsideration decision did not adequately explain the eligibility criteria for supplements now that the appellant has reached 65 years of age, and therefore feels the appellant would benefit from contacting the ministry to discuss what is included in the medical services only status and what other supplements might be available to him.

Conclusion

Based on all available evidence, the panel finds that the ministry's reconsideration decision which denied disability assistance because the appellant has income that exceeds the ministry's monthly rate of assistance to be supported by the evidence and a reasonable interpretation of the legislation in the circumstances of the appellant. The ministry was also reasonable in determining that the appellant is not eligible for monthly cash dietary and transportation supplements because he is no longer eligible to receive disability assistance.

The ministry's reconsideration decision is confirmed. The appellant is not successful on appeal.

Appendix A

EMPLOYMENT AND ASSISTANCE REGULATION

Bus pass supplement

66 (1)The minister may provide a supplement to or for a family unit, other than the family unit of a recipient of disability assistance, that contributes \$45 to the cost, to provide an annual pass for the personal use of a person in the family unit who

(a)receives the federal spouse's allowance or federal guaranteed income supplement,

(b)is 60 or more years of age and receives income assistance under section 2 [monthly support allowance], 4 [monthly shelter allowance], 6 [people receiving room and board] or 9 [people in emergency shelters and transition houses] of Schedule A, or

(c)is 65 years of age or more and meets all of the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.

(2)In this section, "**annual pass**" means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the *British Columbia Transit Act* or in a transportation service region, as defined in the *South Coast British Columbia Transportation Authority Act*.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT

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.

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

Definitions

1 (1)In this regulation:

"unearned income" means any income that is not earned income, and includes, without limitation, money or value received from any of the following:

(u) Federal Old Age Security and Guaranteed Income Supplement payments;

Limits on income

9 (1) For the purposes of the Act and this regulation, **"income"**, in relation to a family unit, includes an amount garnished, attached, seized, deducted or set off from the income of an applicant, a recipient or a dependant.

(2) A family unit is not eligible for disability assistance if the net income of the family unit determined under Schedule B equals or exceeds the amount of disability assistance determined under Schedule A for a family unit matching that family unit.

Amount of disability assistance

24 Disability assistance may be provided to or for a family unit, for a calendar month, in an amount that is not more than

- (a) the amount determined under Schedule A, minus
- (b) the family unit's net income determined under Schedule B.

Spouse bus pass supplement

51 (1) The minister may provide a supplement to or for a family unit that is eligible for disability assistance and contributes \$45 to the cost to provide an annual pass for the personal use of the spouse of a person with disabilities in the family unit if that spouse

- (a) is 60 or more years of age,
- (b) receives the federal spouse's allowance or federal guaranteed income supplement, or
- (c) is 65 years of age or more and meets all the eligibility requirements for the federal guaranteed income supplement except the 10 year residency requirement.

(2) In this section, **"annual pass"** means an annual pass to use a public passenger transportation system in a transit service area established under section 25 of the *British Columbia Transit Act* or in a transportation service region, as defined in the *South Coast British Columbia Transportation Authority Act*.

Persons with disabilities transportation supplement

54.2 (1) The minister may provide a transportation supplement to or for a family unit that is eligible for disability assistance or hardship assistance for a calendar month, in respect of each recipient who is designated as a person with disabilities in the family unit, in one of the following forms:

- (a) in money, in the amount of \$52;
- (b) in kind, in the form of a pass, deemed to have a value of \$52 for the purposes of this regulation, for the personal use of the person with disabilities on a public passenger transportation system in
 - (i) a transit service area established under section 25 of the *British Columbia Transit Act*, or
 - (ii) a transportation service region as defined in the *South Coast British Columbia Transportation Authority Act*.

(2) If a recipient who is provided a supplement under either paragraph (a) or (b) of subsection (1) gives the minister notice that the recipient wishes to receive the other form of supplement provided under that subsection, the minister may provide that other form of supplement for a subsequent month.

(3) An annual pass, as defined in section 51 (2) [*spouse bus pass supplement*], is deemed to be a supplement provided in kind under subsection (1) (b) of this section if the annual pass was provided to or for a recipient who is designated as a person with disabilities and who was previously provided the annual pass for personal use

- (a) as the spouse of a person with disabilities under section 51 (1), or
- (b) under section 66 (1) [*bus pass supplement*] of the Employment and Assistance Regulation.

Access to medical services only

61.1 (1) Subject to subsection (4), a person is a main continued person if

- (a) the person was
 - (i) part of a family unit identified in subsection (3) on the date the family unit ceased to be eligible for disability assistance, and
 - (ii) a person with disabilities on that date,

(3) A family unit is identified for the purposes of subsection (1) (a) if the family unit, while in receipt of disability assistance, ceases to be eligible for disability assistance

- (a) on a date the family unit includes a person aged 65 or older,

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

(c) a family unit, if the health supplement is provided to or for a person in the family unit who is a continued person.

Diet supplement

66 (1) Subject to subsection (2), the minister may pay for a diet supplement in accordance with section 6 [*diet supplements*] of Schedule C that is provided to or for a family unit in receipt of disability assistance or hardship assistance, if the supplement is provided to or for a person in the family unit who

(a) is described in section 6 (1) of Schedule C, and

(b) is not described in section 8 (1) [*people receiving special care*] of Schedule A.

Nutritional supplement

67 (1) The minister may provide a nutritional supplement in accordance with section 7 [*monthly nutritional supplement*] of Schedule C to or for a family unit in receipt of disability assistance, if the supplement is provided to or for a person in the family unit who

(a) is a person with disabilities, and

(b) is not described in section 8 (1) [*people receiving special care*] of Schedule A, unless the person is in an alcohol or drug treatment centre as described in section 8 (2) of Schedule A,

Schedule A

Disability Assistance Rates

Maximum amount of disability assistance before deduction of net income

1 (1) Subject to this section and sections 3 and 6 to 9 of this Schedule, the amount of disability assistance referred to in section 24 (a) [*amount of disability assistance*] of this regulation is the sum of

(a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus

(b)the shelter allowance calculated under sections 4 and 5 of this Schedule.

Monthly support allowance

2 (0.1)For the purposes of this section:

(1)A monthly support allowance for the purpose of section 1 (a) is the sum of

(a)the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2,

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount (\$)
1	Sole applicant / recipient and no dependent children	Applicant / recipient is a person with disabilities	\$983.50

Monthly shelter allowance

4 (1)For the purposes of this section:

(2)The monthly shelter allowance for a family unit to which section 14.2 of the Act does not apply is the smaller of

(a)the family unit's actual shelter costs, and

(b)the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
1	1 person	\$375

Schedule B

Net Income Calculation

(section 24 (b))

Deduction and exemption rules

1 When calculating the net income of a family unit for the purposes of section 24 (b) [*amount of disability assistance*] of this regulation,

(d) all unearned income must be included, except the deductions permitted under section 6 and any income exempted under sections 3, 7 and 8.

Annual exemption — qualifying income

3 (1) In this section:

"base amount" means

(a) \$1 250, in the case of a family unit that includes only one recipient,

(b) \$1 500, in the case of a family unit that includes two recipients, only one of whom is designated as a person with disabilities, and

(c) \$2 500, in the case of a family unit that includes two recipients who are designated as persons with disabilities;

"initial qualifying month", in respect of a family unit and a calendar year, means the calendar month specified for the family unit under subsection (5);

"qualifying income" means

(a) earned income, except the deductions permitted under section 2, and

(b) unearned income that is compensation paid under section 191 [*temporary total disability*] or 192 [*temporary partial disability*] of the *Workers Compensation Act*;

"qualifying month", in respect of a family unit and a calendar year, means

(a) the initial qualifying month for the family unit in the calendar year, and

(b) any subsequent calendar month in the calendar year that is a calendar month for which the family unit is eligible to receive disability assistance under the Act;

"recognized family unit", in respect of a calendar year, means a family unit that

(a) forms during the calendar year, and

(b) includes at least one person who

(i) is designated as a person with disabilities, and

(ii) was previously a recipient in another family unit that was eligible to receive disability assistance under the Act for a calendar month in the calendar year.

(2) For the purposes of section 1 (c) and (d), the lesser of the following amounts is exempt income of a family unit for a qualifying month:

- (a) the qualifying income of the family unit for the qualifying month;
- (b) the exemption limit of the family unit for the qualifying month calculated in accordance with subsection (3).

(3) The exemption limit of a family unit for a qualifying month for the family unit in a calendar year is the following:

- (a) in the case of the initial qualifying month for the family unit in the calendar year, the amount calculated in accordance with subsection (4);
- (b) in the case of any other qualifying month for the family unit in the calendar year, the amount calculated in accordance with subsection (7).

....

Deductions from unearned income

6 The only deductions permitted from unearned income are the following:

- (a) any income tax deducted at source from employment insurance benefits;
- (b) essential operating costs of renting self-contained suites.

Exemptions — unearned income

7 (0.1) In this section:

"disability-related cost" means a disability-related cost referred to in paragraph (a), (b), (c) or (e) of the definition of disability-related cost in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation;

"disability-related cost to promote independence" means a disability-related cost referred to in paragraph (d) of the definition of disability-related cost in section 12 (1) of this regulation;

"intended registered disability savings plan or trust", in relation to a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation, means an asset, received by the person, to which the exemption under that section applies;

"structured settlement annuity payment" means a payment referred to in subsection (2) (b) (iii) made under the annuity contract referred to in that subsection.

(1) The following unearned income is exempt:

- (a) the portion of interest from a mortgage on, or agreement for sale of, the family unit's previous place of residence if the interest is required for the amount owing on the purchase or rental of the family unit's current place of residence;
- (b) \$50 of each monthly Federal Department of Veterans Affairs benefits paid to any person in the family unit;
- (c) a criminal injury compensation award or other award, except the amount that would cause the family unit's assets to exceed, at the time the award is received, the limit applicable under section 10 [*asset limits*] of this regulation;
- (d) a payment made from a trust to or on behalf of a person referred to in section 12 (1) [*assets held in trust for person with disabilities*] of this regulation if the payment is applied exclusively to or used exclusively for
 - (i) disability-related costs,
 - (ii) the acquisition of a family unit's place of residence,
 - (iii) a registered education savings plan, or
 - (iv) a registered disability savings plan;
- (d.1) subject to subsection (2), a structured settlement annuity payment made to a person referred to in section 12 (1) of this regulation if the payment is applied exclusively to or used exclusively for an item referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (d) of this subsection;
- (d.2) money expended by a person referred to in section 12.1 (2) [*temporary exemption of assets for person with disabilities or person receiving special care*] of this regulation from an intended registered disability savings plan or trust if the money is applied exclusively to or used exclusively for disability-related costs;
- (d.3) any of the following if applied exclusively to or used exclusively for disability-related costs to promote independence:
 - (i) a payment made from a trust to or on behalf of a person referred to in section 12 (1) of this regulation;
 - (ii) a structured settlement annuity payment that, subject to subsection (2), is made to a person referred to in section 12 (1) of this regulation;
 - (iii) money expended by a person referred to in section 12.1 (2) of this regulation from an intended registered disability savings plan or trust;
- (e) the portion of Canada Pension Plan Benefits that is calculated by the formula $(A-B) \times C$, where

A = the gross monthly amount of Canada Pension Plan Benefits received by an applicant or recipient;

B = (i) in respect of a family unit comprised of a sole applicant or a sole recipient with no dependent children, 1/12 of the amount determined under section 118 (1) (c) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act, or

(ii) in respect of any other family unit, the amount under subparagraph (i), plus 1/12 of the amount resulting from the calculation under section 118 (1) (a) (ii) of the *Income Tax Act* (Canada) as adjusted under section 117.1 of that Act;

C = the sum of the percentages of taxable amounts set out under section 117 (2) (a) of the *Income Tax Act* (Canada) and section 4.1 (1) (a) of the *Income Tax Act*;

(f) a tax refund;

(g) a benefit paid under section 22, 23 or 23.2 of the *Employment Insurance Act* (Canada) to any person in the family unit.

Minister's discretion to exempt education related unearned income

8 (1) In this section:

"**day care costs**" means the difference between a student's actual day care costs and the maximum amount of child care subsidy that is available under the *Child Care Subsidy Act* to a family unit matching the student's family unit;

"**education costs**", in relation to a student and a program of studies, means the costs, including the costs of tuition, student fees, books, equipment, supplies and transportation, that, in the opinion of the minister, are reasonably required for the student to participate in the program of studies.

(2) The minister may authorize an exemption for a student up to the sum of the student's education costs and day care costs, for a period of study, from the total amount of student financial assistance received by the student for the period of study.

Schedule C

Health Supplements

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:

(a)medical or surgical supplies that are, at the minister's discretion, either disposable or reusable, if the minister is satisfied that all of the following requirements are met:

(i)the supplies are required for one of the following purposes:

- (A)wound care;
- (B)ongoing bowel care required due to loss of muscle function;
- (C)catheterization;
- (D)incontinence;
- (E)skin parasite care;
- (F)limb circulation care;

(ii)the supplies are

- (A)prescribed by a medical practitioner or nurse practitioner,
- (B)the least expensive supplies appropriate for the purpose, and
- (C)necessary to avoid an imminent and substantial danger to health;

(iii)there are no resources available to the family unit to pay the cost of or obtain the supplies;

(a.2) consumable medical supplies, if the minister is satisfied that all of the following requirements are met:

(i)the supplies are required to thicken food;

(ii)all the requirements described in paragraph (a) (ii) and (iii) are met in relation to the supplies;

(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.

(1.1) For the purposes of subsection (1) (a), medical and surgical supplies do not include nutritional supplements, food, vitamins, minerals or prescription medications.

Medical equipment and devices

3 (1) Subject to subsections (2) to (5) of this section, the medical equipment and devices described in sections 3.1 to 3.12 of this Schedule are the health supplements that may be provided by the minister if

(a) the supplements are provided to a family unit that is eligible under section 62 [*general health supplements*] of this regulation, and

(b) all of the following requirements are met:

(i) the family unit has received the pre-authorization of the minister for the medical equipment or device requested;

(ii) there are no resources available to the family unit to pay the cost of or obtain the medical equipment or device;

(iii) the medical equipment or device is the least expensive appropriate medical equipment or device.

(2) For medical equipment or devices referred to in sections 3.1 to 3.8 or section 3.12, in addition to the requirements in those sections and subsection (1) of this section, the family unit must provide to the minister one or both of the following, as requested by the minister:

(a) a prescription of a medical practitioner or nurse practitioner for the medical equipment or device;

(b) an assessment by an occupational therapist or physical therapist confirming the medical need for the medical equipment or device.

(2.1) For medical equipment or devices referred to in section 3.9 (1) (b) to (g), in addition to the requirements in that section and subsection (1) of this section, the family unit must provide to the minister one or both of the following, as requested by the minister:

- (a) a prescription of a medical practitioner or nurse practitioner for the medical equipment or device;
- (b) an assessment by a respiratory therapist, occupational therapist or physical therapist confirming the medical need for the medical equipment or device.

....

Medical equipment and devices — canes, crutches and walkers

3.1 (1) Subject to subsection (2) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain basic mobility:

- (a) a cane;
- (b) a crutch;
- (c) a walker;
- (d) an accessory to a cane, a crutch or a walker.

(2) A walking pole is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices — wheelchairs

3.2 (1) In this section, "**wheelchair**" does not include a stroller.

(2) Subject to subsection (4) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain basic mobility:

- (a) a wheelchair;
- (b) an upgraded component of a wheelchair;
- (c) an accessory attached to a wheelchair.

(3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years after the minister provided the item being replaced.

(4) A high-performance wheelchair for recreational or sports use is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices — wheelchair seating systems

3.3 (1) The following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to achieve or maintain a person's positioning in a wheelchair:

- (a) a wheelchair seating system;
- (b) an accessory to a wheelchair seating system.

(2)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 2 years from the date on which the minister provided the item being replaced.

Medical equipment and devices — scooters

3.4 (1)In this section, "**scooter**" does not include a scooter with 2 wheels.

(2)Subject to subsection (5) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if all of the requirements set out in subsection (3) of this section are met:

- (a)a scooter;
- (b)an upgraded component of a scooter;
- (c)an accessory attached to a scooter.

(3)The following are the requirements in relation to an item referred to in subsection (2) of this section:

- (a)an assessment by an occupational therapist or a physical therapist has confirmed that it is unlikely that the person for whom the scooter has been prescribed will have a medical need for a wheelchair during the 5 years following the assessment;
- (b)the total cost of the scooter and any accessories attached to the scooter does not exceed \$3 500 or, if subsection (3.1) applies, \$4 500;
- (c)the minister is satisfied that the item is medically essential to achieve or maintain basic mobility.

(3.1)The maximum amount of \$4 500 under subsection (3) (b) applies if an assessment by an occupational therapist or a physical therapist has confirmed that the person for whom the scooter has been prescribed has a body weight that exceeds the weight capacity of a conventional scooter but can be accommodated by a bariatric scooter.

(4)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years after the minister provided the item being replaced.

(5)A scooter intended primarily for recreational or sports use is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices — toileting, transfers and positioning aids

3.5 (0.1)In this section:

"positioning chair" does not include a lift chair;

"transfer aid" means a transfer board, transfer belt or slider sheet.

(1)The following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to facilitate toileting or transfers of a person or to achieve or maintain a person's positioning:

- (a)a grab bar in a bathroom;
- (b)a bath or shower seat;
- (c)a bath transfer bench with hand held shower;
- (d)a tub slide;
- (e)a bath lift;
- (f)a bed pan or urinal;
- (g)a raised toilet seat;
- (h)a toilet safety frame;
- (i)a floor-to-ceiling pole in a bathroom or bedroom;
- (j)a portable commode chair;
- (k)a standing frame for a person for whom a wheelchair is medically essential to achieve or maintain basic mobility;
- (l)a positioning chair for a person for whom a wheelchair is medically essential to achieve or maintain basic mobility;
- (m)a transfer aid for a person for whom the transfer aid is medically essential to transfer from one position to another.

(2)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices — hospital bed

3.6 (1)Subject to subsection (3) of this section, the following items are health supplements for the purposes of section 3 of this Schedule if the minister is satisfied that the item is medically essential to facilitate transfers of a person to and from bed or to adjust or maintain a person's positioning in bed:

- (a)a hospital bed;
- (b)an upgraded component of a hospital bed;
- (c)an accessory attached to a hospital bed;
- (d)a positioning item on a hospital bed.

(2)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.

(3)The following items are not health supplements for the purposes of section 3 of this Schedule:

- (a)an automatic turning bed;
- (b)a containment type bed.

Medical equipment and devices — pressure relief mattresses

3.7 (1)A pressure relief mattress is a health supplement for the purposes of section 3 of this Schedule if the minister is satisfied that the pressure relief mattress is medically essential to prevent skin breakdown and maintain skin integrity.

(2)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices — floor or ceiling lift devices

3.8 (1)In this section, "**floor or ceiling lift device**" means a device that stands on the floor or is attached to the ceiling and that uses a sling system to transfer a person.

(2)A floor or ceiling lift device is a health supplement for the purposes of section 3 of this Schedule if the following requirements are met:

- (a)the minister is satisfied that the floor or ceiling lift device is medically essential to facilitate transfers of a person in a bedroom or a bathroom;
- (b)the cost of the floor or ceiling lift device does not exceed \$4 200 or, if the cost of the floor or ceiling lift device does exceed \$4 200, the minister is satisfied that the excess cost is a result of unusual installation expenses.

(3)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (2) of this section is 5 years from the date on which the minister provided the item being replaced.

Medical equipment and devices — breathing devices

3.9 (1)Subject to subsection (4) of this section, the following items are health supplements for the purposes of section 3 of this Schedule:

- (a)if all of the requirements set out in subsection (2) of this section are met,
 - (i)a positive airway pressure device,

- (ii)an accessory that is required to operate a positive airway pressure device, or
 - (iii)a supply that is required to operate a positive airway pressure device;
- (b)if the minister is satisfied that the item is medically essential to monitor breathing,
- (i)an apnea monitor,
 - (ii)an accessory that is required to operate an apnea monitor, or
 - (iii)a supply that is required to operate an apnea monitor;
- (c)if the minister is satisfied that the item is medically essential for clearing respiratory airways,
- (i)a suction unit,
 - (ii)an accessory that is required to operate a suction unit, or
 - (iii)a supply that is required to operate a suction unit;
- (d)if the minister is satisfied that the item is medically essential for clearing respiratory airways,
- (i)a percussor,
 - (ii)an accessory that is required to operate a percussor, or
 - (iii)a supply that is required to operate a percussor;
- (e)if the minister is satisfied that the item is medically essential to avoid an imminent and substantial danger to health,
- (i)a nebulizer,
 - (ii)an accessory that is required to operate a nebulizer, or
 - (iii)a supply that is required to operate a nebulizer;
- (f)if the minister is satisfied that the item is medically essential to moisturize air in order to allow a tracheostomy patient to breathe,
- (i)a medical humidifier,
 - (ii)an accessory that is required to operate a medical humidifier, or
 - (iii)a supply that is required to operate a medical humidifier;
- (g)if the minister is satisfied that the item is medically essential to deliver medication,
- (i)an inhaler accessory device,
 - (ii)an accessory that is required to operate an inhaler accessory device,
- or
- (iii)a supply that is required to operate an inhaler accessory device.

(2)The following are the requirements in relation to an item referred to in subsection (1) (a) of this section:

- (a)the item is prescribed by a medical practitioner or nurse practitioner;
- (b)a respiratory therapist has performed an assessment that confirms the medical need for the item;
- (c)the minister is satisfied that the item is medically essential for the treatment of moderate to severe sleep apnea.

(3)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an item described in subsection (1) of this section is as follows:

- (a)in the case of an item referred to in subsection (1) (a) (i), 5 years from the date on which the minister provided the item being replaced;
- (b)in the case of an item referred to in subsection (1) (a) (ii) or (iii), one year from the date on which the minister provided the item being replaced;
- (c)in the case of an apnea monitor, suction unit, percussor, nebulizer or medical humidifier, 5 years from the date on which the minister provided the item being replaced;
- (d)in the case of an inhaler accessory device, one year from the date on which the minister provided the device being replaced;
- (e)in the case of an accessory or supply for an item referred to in paragraph (c) or (d), one year from the date on which the minister provided the device being replaced.

(4)A ventilator is not a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices — orthoses

3.10 (1)In this section:

"off-the-shelf", in relation to an orthosis, means a prefabricated, mass-produced orthosis that is not unique to a particular person;

"orthosis" means

- (a)a custom-made or off-the-shelf foot orthotic;
- (b)custom-made footwear;
- (c)a permanent modification to footwear;
- (d)off-the-shelf footwear required for the purpose set out in subsection (4.1) (a);
- (e)off-the-shelf orthopaedic footwear;
- (f)an ankle brace;

- (g) an ankle-foot orthosis;
- (h) a knee-ankle-foot orthosis;
- (i) a knee brace;
- (j) a hip brace;
- (k) an upper extremity brace;
- (l) a cranial helmet used for the purposes set out in subsection (7);
- (m) a torso or spine brace;
- (n) a foot abduction orthosis;
- (o) a toe orthosis;
- (p) a walking boot.

(2) Subject to subsections (3) to (11) of this section, an orthosis is a health supplement for the purposes of section 3 of this Schedule if

- (a) the orthosis is prescribed by a medical practitioner or a nurse practitioner,
- (b) the minister is satisfied that the orthosis is medically essential to achieve or maintain basic functionality,
- (c) the minister is satisfied that the orthosis is required for one or more of the following purposes:
 - (i) to prevent surgery;
 - (ii) for post-surgical care;
 - (iii) to assist in physical healing from surgery, injury or disease;
 - (iv) to improve physical functioning that has been impaired by a neuro-musculo-skeletal condition, and
- (d) the orthosis is off-the-shelf unless
 - (i) a medical practitioner or nurse practitioner confirms that a custom-made orthosis is medically required, and
 - (ii) the custom-made orthosis is fitted by an orthotist, pedorthist, occupational therapist, physical therapist or podiatrist.

(3) For an orthosis that is a custom-made foot orthotic, in addition to the requirements in subsection (2) of this section, all of the following requirements must be met:

- (a) a medical practitioner or nurse practitioner confirms that a custom-made foot orthotic is medically required;
- (b) the custom-made foot orthotic is fitted by an orthotist, pedorthist, occupational therapist, physical therapist or podiatrist;
- (c) Repealed. [B.C. Reg. 144/2011, Sch. 2.]
- (d) the custom-made foot orthotic must be made from a hand-cast mold;

(e)the cost of one pair of custom-made foot orthotics, including the assessment fee, must not exceed \$450.

(4)For an orthosis that is custom-made footwear, in addition to the requirements in subsection (2) of this section, the cost of the custom-made footwear, including the assessment fee, must not exceed \$1 650.

(4.1)For an orthosis that is off-the-shelf footwear, in addition to the requirements in subsection (2) of this section,

(a)the footwear is required to accommodate a custom-made orthosis, and

(b)the cost of the footwear must not exceed \$125.

(4.2)For an orthosis that is off-the-shelf orthopaedic footwear, in addition to the requirements in subsection (2) of this section, the cost of the footwear must not exceed \$250.

(5)For an orthosis that is a knee brace, in addition to the requirements in subsection (2) of this section, the medical practitioner or nurse practitioner who prescribed the knee brace must have recommended that the knee brace be worn at least 6 hours per day.

(6)For an orthosis that is an upper extremity brace, in addition to the requirements in subsection (2) of this section, the upper extremity brace must be intended to provide hand, finger, wrist, elbow or shoulder support.

(7)For an orthosis that is a cranial helmet, in addition to the requirements in subsection (2) of this section, the cranial helmet must be a helmet prescribed by a medical practitioner or nurse practitioner and recommended for daily use in cases of self abusive behaviour, seizure disorder, or to protect or facilitate healing of chronic wounds or cranial defects.

(8)For an orthosis that is a torso or spine brace, in addition to the requirements in subsection (2) of this section, the brace must be intended to provide pelvic, lumbar, lumbar-sacral, thoracic-lumbar-sacral, cervical-thoracic-lumbar-sacral, or cervical spine support.

(9)Subject to section 3 of this Schedule, the limit on the number of orthoses that may be provided for the use of a person as a health supplement for the purposes of section 3 of this Schedule is the number set out in Column 2 of Table 1 opposite the description of the applicable orthosis in Column 1.

Table 1

Item	Column 1 Orthosis	Column 2 Limit
1	custom-made foot orthotic	1 or 1 pair

2	custom-made footwear	1 or 1 pair
3	modification to footwear	1 or 1 pair
4	ankle brace	1 per ankle
5	ankle-foot orthosis	1 per ankle
6	knee-ankle-foot orthosis	1 per leg
7	knee brace	1 per knee
8	hip brace	1
9	upper extremity brace	1 per hand, finger, wrist, elbow or shoulder
10	cranial helmet	1
11	torso or spine brace	1
12	off-the-shelf footwear	1 or 1 pair
13	off-the-shelf orthopaedic footwear	1 or 1 pair
14	foot abduction orthosis	1 or 1 pair
15	toe orthosis	1

(10)The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of an orthosis is the number of years from the date on which the minister provided the orthosis being replaced that is set out in Column 2 of Table 2 opposite the description of the applicable orthosis in Column 1.

Table 2

Item	Column 1 Orthosis	Column 2 Time period
1	custom-made foot orthotic	3 years

2	custom-made footwear	1 year
3	modification to footwear	1 year
4	ankle brace	2 years
5	ankle-foot orthosis	2 years
6	knee-ankle-foot orthosis	2 years
7	knee brace	4 years
8	hip brace	2 years
9	upper extremity brace	2 years
10	cranial helmet	2 years
11	torso or spine brace	2 years
12	off-the-shelf footwear	1 year
13	off-the-shelf orthopaedic footwear	1 year
14	toe orthosis	1 year

(11) The following items are not health supplements for the purposes of section 3 of this Schedule:

- (a) a prosthetic and related supplies;
- (b) a plaster or fiberglass cast;
- (c) a hernia support;
- (d) an abdominal support.
- (e) Repealed. [B.C. Reg. 94/2018, App. 2, s. 1 (b).]
- (f) Repealed. [B.C. Reg. 144/2011, Sch. 2.]

(12) An accessory or supply that is medically essential to use an orthosis that is a health supplement under subsection (2) is a health supplement for the purposes of section 3 of this Schedule.

Medical equipment and devices — hearing instruments

3.11 (1) A hearing instrument is a health supplement for the purposes of section 3 of this Schedule if

- (a) the hearing instrument is prescribed by an audiologist or hearing instrument practitioner, and
- (b) an audiologist or hearing instrument practitioner has performed an assessment that confirms the need for a hearing instrument.

(2) The minister may provide a hearing instrument under this section only if the person is not receiving a hearing assistance supplement under section 70.02 of this regulation.

Medical equipment and devices — non-conventional glucose meters

3.12 (1) In this section, "**non-conventional glucose meter**" includes

- (a) a continuous glucose monitoring meter, and
- (b) a talking glucose meter.

(2) A non-conventional glucose meter is a health supplement for the purposes of section 3 of this Schedule if the minister is satisfied that

- (a) the glucose meter is medically essential to test blood glucose levels, and
- (b) the person for whom the non-conventional glucose meter has been prescribed is unable to use a conventional glucose meter.

(3) The period of time referred to in section 3 (3) (b) of this Schedule with respect to replacement of a non-conventional glucose meter is 5 years from the date on which the minister provided the glucose meter being replaced.

APPEAL NUMBER 2022-0096

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

Donald Stedeford

Signature of Chair

Date (Year/Month/Day)

2022/07/05

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2022/07/05

Print Name

Margarita Panpenbrpck

Signature of Member

Date (Year/Month/Day)

2022/07/05