

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the Ministry) Reconsideration Decision (RD) dated October 26, 2022, which found that the Appellant was not eligible for a general health supplement for tube feeding supplies (the Items).

Specifically, the Ministry determined that the Appellant was not eligible for the Items because:

1. Under the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 67.01, the Appellant's request does not meet the requirements for a tube feed nutritional supplement;
2. Under EAPWDR Schedule C, Section 2(1), the Items do not meet the definition of a medical supply or medical transportation;
3. Under EAPWDR Schedule C, Section 3, the Items do not meet the definition of a medical device;
4. Under EAPWDR Section 69, the Items do not meet the definition of a medical device under EAPWDR Schedule C, Section 3; and
5. Under EAPWDR Section 69, the Items do not satisfy the requirements for a life threatening health need.

Part D – Relevant Legislation

Employment and Assistance Act (EAA) Section 24

EAPWDR, Sections 24, 61.01, 61.1, 62, 67.01 and 69

EAPWDR Schedule A, Sections 1(1), 2(1), and 4(2), and Schedule C, Sections 2(1) and 3(1)

Medical and Health Care Services Regulation, Sections 7.6 and 11(3)

The relevant legislation is provided in the Appendix

Part E – Summary of Facts

The Appellant was designated as a person with disabilities (PWD) by the Ministry on October 26, 2022. As part of that decision the Ministry also determined that the Appellant was not eligible for disability assistance (DA) because his disability pension income amount is greater than his monthly entitlement for DA.

According to the information provided by the Ministry in the RD:

- The Appellant was offered an opportunity to ask for a reconsideration of the Ministry's October 26, 2022 decision that found that he was ineligible for DA, which the Appellant did not pursue;
- On September 9, 2022, the Ministry determined that the Appellant is eligible to have any request for health supplements considered necessary as a life threatening health need because his annual adjusted income and total assets are under the maximum eligibility amounts for a PWD;
- On September 9, 2022, the Ministry received a request from the Appellant for coverage for the Items;
- On September 12, 2022, the Appellant's request for funding for the Items was denied; and,
- On October 12, 2022, the Ministry received a request for reconsideration of its September 12, 2022 decision (RFR). The RFR included the information summarized below.

The evidence before the Ministry when it made its RD included the following:

- An RFR, dated October 11, 2022;
- A Ministry Medical Equipment Request and Justification Form (the Request Form), signed by the Appellant on September 7, 2022, in which the Appellant's registered dietician has written "*Traumatic Brain Injury (with) global loss of Function. Has feeding tube due to failed modified barium swallow. Must meet 100% of nutrition needs via enteral nutrition. [1] Entralyte Infinity Feeding Pump X1 (the Pump) [2] Entralyte Infinity Pump Administrative Spike Set [30 per month] (the Spike Set) [3] Isosource Fibre 1.5 Ultrapaks – 6 cases per month [4 X 1.5 l ultrapaks per case] (the Ultrapaks) [4] 50 ml catheter tip syringes [6 per month] (the Syringes) [5] Mic-Key 16 fr 5.0 cm gastrostomy tube [3 per year] (the Tubes)*";
- A two-page undated letter, written on behalf of the Appellant by the Appellant's parents (the Parents' Letter) and addressed "*To Whom it may concern*", in which the parents state that they are advocating on behalf of the Appellant. The Parents'

Letter says that the Appellant had a life altering accident on September 29, 2021 and, as a result, *"suffered a severe Traumatic Brain Injury (TBI) that requires him to have 24/7 care for the rest of his life"*. The Parents' Letter also describes the Appellant's struggles with daily living activities (DLA), and in some cases his inability to perform them. Other information and arguments made in the Parents' Letter include:

- The Appellant meets all the requirements for a PWD designation, and without that designation and funding for the Items he *"will NOT SURVIVE, or end up back in the hospital"*;
- The PWD designation eligibility requirements include *"no financial eligibility or info (requirements) ... We have done everything (the Ministry has) asked regarding finding other sources of income. (The Appellant) is not eligible for [a Canada Pension Plan (CPP) disability pension] as he didn't work long enough ... Under the [Employment and Assistance for Persons with Disabilities Act (EAPWDA)] CPP is considered to be 'other income' which includes his long-term disability income (LTD) which we have sourced out"*;
- The Appellant *"has higher needs than a non-disabled person and the cost of living is completely out of reach for him. He currently lives below the ... poverty line even with his LTD in the amount of \$2100 ... The newly acquired cost of medical services & supplies needed outweighs his sources of income dramatically"*;
- If the parents *"were to put (the Appellant) in a care facility which will take 80% of his income it will still cost the Ministry \$10 to \$20 thousand per month for his care"*.

The Parents' Letter also asks the Ministry to indicate where in the legislation it says that the Appellant's income has to be below a certain level to receive the Items, and that *"while clients should be assessed on a case-by-case basis ... we understand that there are exemptions"*. In addition, the Parent's Letter points out that the parents have not asked for *"the monthly portion of the PWD but we need ... approval for the (Items) coverage to sustain (the Appellant's) basic life medical needs"*;

- A one page letter from a medical practitioner, dated October 5, 2022 and written on behalf of the Appellant (the Doctor's Letter). The Doctor's Letter says *"This is to certify that (the Appellant) receives all of his nutrition via (percutaneous endoscopic gastrostomy) tubes feeds for severe TBI resulting in severe dysphagia ... His life depends on being fed parenterally. Please supply all necessary products so that he can receive the nutrients for sustaining life."*;
- An undated one page quote from a medical supply store providing a quote for the Items as follows:

- The Pump - \$799.00 (one-time purchase);
- The Spike Set - \$179.70 per month;
- The Ultrapaks - \$509.94 per month;
- The Syringes - \$11.94 per month;
- The Tubes - \$824.97 per year (or an average cost of \$68.75 per month);

For a total one-time cost of \$799.00 and an average monthly cost of \$770.33; and,

- A British Columbia Supreme Court Order dated July 15, 2022 (the Order), in which the Court declares that the Appellant *"is by reason of mental infirmity arising from a TBI, incapable of managing his affairs or person"*, and orders that the parents *"who may act separately, be appointed as Co-Committees of the estate and person of the (Appellant) without bond"*.

Evidence Presented at the Hearing

The Appellant was represented at the hearing by one of his parents (the Appellant's Father) and an advocate (the Advocate).

At the hearing, the Appellant's Father said that the Appellant was being neglected, ignored and discriminated against because of his LTD Income. He said that his requests on behalf of the Appellant were *"falling on deaf ears"*.

The Appellant's Father also said that he had received no paperwork from the Ministry to indicate that the Appellant would not qualify for DA prior to the written decision it said it had provided to him in October 2022. He explained that when he first approached the Ministry about financial assistance in late 2021, he had been told that the Appellant would qualify for it, but would first have to apply for the PWD designation. And before he could do that he would have to show evidence that he had the authority to sign the application on the Appellant's behalf.

In response to questions from the Panel, a timeline for the Appellant's application for assistance was established. The Appellant's Father first discussed options to access financial assistance for the Appellant in January 2022, and spoke to the Ministry again about the application process and the Appellant's eligibility in March or April 2022. In response to a question from the Panel, the Ministry said that it could not confirm this from its records because *"the Ministry had no open file"* on the Appellant, explaining that it only keeps files open for 30 days, and if there is no progress over the 30 day period from the date of initial contact, the Ministry records regarding the initial contact are not retained. The Appellant began receiving the LTD in December 2021. At the time, the Appellant was not able to submit a written application for a PWD designation because he was unable to

sign the PWD application form and there was no legal authority for the parents to sign it on his behalf. According to the Appellant's Father and the Advocate, a PWD application was hand-delivered to the Ministry on June 20, 2022. The Ministry was unable to confirm this from its records. The Order, which appointed the parents as Co-Committees of the Appellant's estate and person was granted by the Court in July of 2022. The Ministry's records indicate that a PWD application from the Appellant was provided to the Ministry on August 3, 2022, but the application form did not include all of the necessary documents and a completed form was not received by the Ministry until September 13, 2022.

The Appellant's Father also provided more information on the costs relating to the Appellant's disability and the financial challenges the parents had experienced as a result of the Appellant's accident. He said that the parents had spent all their life savings on renovations to their home to accommodate the Appellant after the accident, and that, in addition to cost of the Items, they had set his rent in the family home at the low value of \$800 per month. He said that the Appellant had also applied for other general health supplements, including incontinence and other supplies, which the Ministry had also declined to cover. The Appellant's Father said that the parents did not have sufficient income to continue to cover all of the Appellant's living costs, and the alternative would be for the Appellant to move into a long-term care facility, at a cost of \$10,000 to \$20,000 per month, which would have to be covered by the Ministry of Health (after deduction of 80% of the Appellant's monthly LTD of \$2,131.00).

The Appellant's Father said that his injury liability lawyer (the Lawyer) had asked him why he was appealing the decision to the Employment and Assistance Appeal Tribunal (EAAT) when he had other options. The Lawyer told the Appellant's Father that sometimes the Ministry granted "*exceptional approval*" and provides funding for health supplements despite any restrictions or limitations in the legislation. The Appellant's Father also said that he had asked his Member of the Legislative Assembly (MLA) for help, and that she had investigated and been told that the Appellant's Father might be able to get provincial funding if he was able to arrange to have the LTD income put into a trust. The Appellant's Father had then consulted with the Lawyer, who said that that option was "*a bit unorthodox*" but might be a solution; it would involve assigning the LTD payments to the trust and the trustees could decide what amounts would be paid out of the trust for the Appellant's care. In a response to a question from the Panel, the Ministry said that there were circumstances where this option had allowed it to provide health supplements to a client who was otherwise ineligible, and the Ministry "*could take that into consideration*", but that the details of how the trust was structured would have to be reviewed by the Ministry's "*legal team*" before it could be approved. The Appellant's father said that he was reluctant to pursue this option because he didn't want to be "*double-dipping*" and that the legal costs of this option would be very high. He also said that he had asked the Ministry

of Health for assistance but was told that assistance from that ministry was only available to individuals who are in palliative care.

The Appellant's Father also wanted to know what the purpose of the PWD designation was if it did not provide for additional funding for necessary health supplements. In response the Ministry explained that the PWD designation provides a client with potential access to health and dental supplements, but to be approved for those supplements the legislated criteria for eligibility still must be met.

The Appellant's Father concluded by imploring the Ministry to "*look at this as a special, rare and complex case*" and to grant an exemption to the legislation on compassionate grounds.

The Ministry relied on its reconsideration decision. The Ministry asked the Appellant's Father if he had pursued an application for funding under the Province of BC's Choice in Supports for Independent Living (CSIL) program, which the Appellant's Father said he had not.

Additional Information Submitted after Reconsideration

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.

There is no new evidence contained in the Notice of Appeal (NOA).

New evidence presented at the hearing includes additional details regarding the nature of the Appellant's disability, some of the key dates and events leading up to the Ministry's RD, the possibility that the Appellant might be able to receive the Items (or other general health supplements or medical services) if a trust is established on behalf of the Appellant, and the existence of the CSIL program. The Panel admitted all the new evidence because it was reasonably be required for a full and fair disclosure of all matters relating to the Appeal.

The Panel notes that the possibility of a solution through the establishment of a trust or eligibility under the CSIL program is of potential value to the Appellant in considering other options for funding. While the new information describing the extent of the Appellant's disabilities is moving, the Ministry has acknowledged that the Appellant meets the criteria to be designated as a PWD. The Panel also notes that there is some uncertainty about when the Appellant's PWD application was made as there is no written

evidence available to confirm the date that a complete and legally signed PWD application was received to the Ministry. Regardless of that date (whether it was June 20, 2022, August 3, 2022 or September 13, 2022) it was after the date that the Appellant received his first LTD payment (which was in December 2021). Therefore, the Panel assigns little weight to all the new evidence as, ultimately, none of it has an impact on the issue under Appeal.

Part F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's decision, which found that the Appellant is not eligible for a for a general health supplement for the Items.

In other words, was it reasonable for the Ministry to determine that the Appellant did not qualify for the Items because the request does not meet the requirements for a general health supplement under any of the applicable legislative provisions? And was it reasonable for the Ministry to determine that the Appellant did not qualify for the Items because they do not meet the definition of a medical supply, a medical device or medical transportation, and that they do not qualify for funding as a life-threatening health need?

Positions of the Parties

The Ministry's position is that, while it is sympathetic to the Appellant's circumstances, it does not have the authority to provide the Items because the Appellant does not meet the eligibility under any of the provisions that might apply.

The Appellant's position is that the Ministry was unreasonable in denying the Appellant the Items because the Appellant's Father was initially told that the Appellant would be eligible for the Items, it did not originally provide written reasons for why the request was denied, and because it refused to provide the Items as an exception even though the Appellant does not have the financial resources to cover the cost and not providing the Items will result in significantly higher costs ultimately be borne by the Province.

The Panel's Decision

A Ministry client who has been designated as PWD is eligible for health supplements under several provisions of the EAPWDR provided the PWD meets the appropriate eligibility criteria.

The *Employment and Assistance Act* (EAA) Section 24 sets out the powers and duties of an EAAT panel. Under EAA Section 24, after holding a hearing, the panel must determine whether the decision being appealed (i.e., the RD) is either reasonably supported by the evidence, or is a reasonable application of the applicable enactment in the circumstances of the person appealing the decision. The panel must then either confirm the decision (if it finds that the RD is reasonably supported by the evidence *or* is a reasonable application of the applicable legislation in the appellant's circumstances). Otherwise, the Panel must rescind the RD.

The Panel reviewed the reasonableness of the Ministry's decision as expressed in the RD for each provision as follows:

As to whether the Appellant is eligible for the Items as medical supplies

EAPWDR Schedule C, Section 2(1) says that the Ministry can provide disposable or reusable medical or surgical supplies that are required for wound care, ongoing bowel care required due to loss of muscle function, catheterization, incontinence, skin parasite care or limb circulation care if certain conditions are met. Specifically, those other conditions are that a medical professional must have prescribed the supplies, they must be the least expensive appropriate supplies, they must be necessary to avoid imminent and substantial danger to health, and the applicant must have no resources available to pay for them. If all the conditions are met, the medical or surgical supplies that can be provided are lancets, needles and syringes, ventilator supplies, tracheostomy supplies, or consumable medical supplies that are required to thicken food. EAPWDR Section 2(1.1) says that nutritional supplements, food, vitamins, minerals or prescription medications are specifically excluded.

In the RD, the Ministry determined that there was no evidence to indicate that the Appellant requires the Items for any of the purposes listed in EAPWDR Schedule C, Section 2(1). Having reviewed all the evidence, the Panel finds that this conclusion was reasonably reached by the Ministry.

As to whether the Appellant is eligible for the Items as medical transportation

EAPWDR Section 2(1)(f) says that the Ministry can provide a health supplement for transportation to or from a variety of medical facilities and offices. The Panel finds that the Ministry reasonably determined that the Appellant's request for the Items did not represent a request for medical transportation.

As to whether the Appellant is eligible for the Items as medical equipment or devices

EAPWDR Schedule 3, Sections 3.1 through 3.12 list several types of medical equipment or devices that can be provided by the Ministry. Each of these devices is listed in the Appendix to this decision.

In the RD, the Ministry determined that the Items could not reasonably be any of the devices listed in EAPWDR 3.1 – 3.12. Having reviewed all the evidence, the Panel finds that this conclusion was reasonably reached by the Ministry.

As to whether the Appellant is eligible for the Items as a life threatening health need

EAPWDR Section 69 says that the Ministry can provide a health supplement if the applicant faces a direct and imminent life threatening need, if there are no resources available to meet that need and if the health supplement is necessary to meet that need, but only if

the request is for medical supplies, medical transportation, or one or more of the prescribed pieces of medical equipment or medical devices.

The Ministry found that the Appellant was not eligible for coverage under this provision because, as discussed above, the Appellant's request for the Items does not fall within any of these types of health products, supplies or services. Having reviewed all the evidence, the Panel finds that this conclusion was reasonably reached by the Ministry.

As to whether the Appellant is eligible for the Items as a tube feed nutritional supplement

EAPWDR Section 67.01(1) defines a "tube feed nutritional supplement" as "a liquid nutritional product that is fed to a person via a tube to the stomach or intestines of the person and the pumps, tubes, bags and other medical equipment or supplies that are required to feed the nutritional product to the person". While the Ministry did not indicate whether the Items fit within this definition, the Panel finds that, based on all the available evidence, they do.

EAPWDR Section 67.01(3) lists the conditions that must exist before a tube feeding nutritional supplement can be provided. These conditions are that a medical professional has confirmed in writing that the applicant's primary source of nutrition is through tube feeding, they are not receiving another nutrition-related supplement, and there are no resources available to the person to pay for the tube feed nutritional supplement. While the Ministry did not indicate whether the Items requested meet all these requirements, the Panel finds that, based on all of the available evidence, they do.

However, for an applicant to qualify for a tube feeding nutritional supplement one other criterion must be met. EAPWDR Section 67.01 (2) requires that the applicant must be "in receipt of disability assistance or hardship assistance". In the RD, the Ministry said that it could not provide the Items because the Appellant was not receiving DA or hardship assistance. As no evidence has been presented to show that the Appellant was receiving DA or hardship assistance, the Panel finds that the Ministry reasonably determined that the Appellant was not eligible for the Items under the tube feed nutritional supplement provisions of the EAPWDR.

Conclusion

The Panel finds that the Ministry's decision that the Appellant is not eligible for a general health supplement for tube feeding supplies was reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the

Appellant. Therefore, the Ministry's decision is confirmed. The Appellant is not successful in his appeal.

* * * *

The Panel is very sympathetic to the Appellant and his parents, and finds it extremely unfortunate that the legislation does not allow for funding for the Items in the Appellant's circumstances. This situation seems particularly unfair because the available evidence indicates that the Appellant's Father was told by the Ministry that the Appellant would qualify for the Items if he first applied for any other benefits to which he might be entitled, which the Appellant's Father had already done, only to learn that it had disqualified the Appellant from receiving the Items.

APPENDIX A – LEGISLATION

EMPLOYMENT AND ASSISTANCE ACT

Decision of panel

24 (1) After holding the hearing required under section 22 (3) [*panels of the tribunal to conduct appeals*], the panel must determine whether the decision being appealed is, as applicable,

- (a) reasonably supported by the evidence, or
- (b) a reasonable application of the applicable enactment in the circumstances of the person appealing the decision.

(2) For a decision referred to in subsection (1), the panel must

- (a) confirm the decision if the panel finds that the decision being appealed is reasonably supported by the evidence or is a reasonable application of the applicable enactment in the circumstances of the person appealing the decision, and
- (b) otherwise, rescind the decision, and if the decision of the tribunal cannot be implemented without a further decision as to amount, refer the further decision back to the minister

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

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.

Definitions

61.01 In this Division:

"continued person" means

- (a) a main continued person under section 61.1 (1), or
- (b) a dependent continued person under section 61.1 (2);

"nutrition-related supplement" means any of the following supplements: ...

- (b) a supplement under section 67 [*nutritional supplement — monthly*], other than a supplement for vitamins and minerals; ...
- (d) a supplement under section 67.01 [*tube feed nutritional supplement*]; ...

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,
- (b) the person has not, since that date, been part of a family unit in receipt of income assistance, hardship assistance or disability assistance, and
- (c) in the case that the family unit referred to in paragraph (a) (i) was a family unit identified in subsection (3) (g), the agreement referred to in subsection (3) (g) is in force.

(2) Subject to subsection (6), a person is a dependent continued person if

- (a) the person was a dependant of a main continued person under subsection (1) on the main continued person's continuation date and is currently a dependant of the main continued person, or
- (b) the person is a dependant of a person who is a main continued person under subsection (1) as a result of having been part of a family unit identified in subsection (3) (b), (c), (d), (e), (f) or (g).

(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,
- (b) as a result of a person in the family unit receiving an award of compensation under the *Criminal Injury Compensation Act* or an award of benefits under the *Crime Victim Assistance Act*,
- (c) as a result of a person in the family unit receiving a payment under the settlement agreement approved by the Supreme Court in Action No. S50808, Kelowna Registry,
- (d) as a result of a person in the family unit receiving employment income,
- (e) as a result of a person in the family unit receiving a pension or other payment under the *Canada Pension Plan* (Canada),

(f) as a result of a person in the family unit receiving money or value that is maintenance under a maintenance order or a maintenance agreement or other agreement, or

(g) as a result of a person in the family unit receiving financial assistance provided through an agreement under section 12.3 of the *Child, Family and Community Service Act* ...

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, or hardship assistance, if the supplement is provided to or for a person in the family unit who is not described in section 8 (1) [*people receiving special care*] of Schedule A, 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.

Tube feed nutritional supplement

67.01 (1) In this section, "**tube feed nutritional supplement**" means a liquid nutritional product that is fed to a person via a tube to the stomach or intestines of the person and the pumps, tubes, bags and other medical equipment or supplies that are required to feed the nutritional product to the person.

(2) Subject to subsection (3), the minister may provide a tube feed nutritional supplement to or for

- (a) a family unit in receipt of disability assistance ...

(3) The minister may provide a tube feed nutritional supplement under this section if

- (a) a medical practitioner, nurse practitioner or dietitian confirms in writing that the person's primary source of nutrition is through tube feeding,
- (b) the person is not receiving another nutrition-related supplement, and
- (c) there are no resources available to the person to pay for the tube feed nutritional supplement.

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

69 (1) The minister may provide to a family unit any health supplement set out in sections 2 (1) (a) and (f) [*general health supplements*] and 3 [*medical equipment and devices*] of Schedule C, if the health supplement is provided to or for a person in the family unit who is otherwise not eligible for the health supplement under this regulation, and if the minister is satisfied that

- (a) the person faces a direct and imminent life threatening need and there are no resources available to the person's family unit with which to meet that need,
- (b) the health supplement is necessary to meet that need,
- (c) the adjusted net income of any person in the family unit, other than a dependent child, does not exceed the amount set out in section 11 (3) of the Medical and Health Care Services Regulation, and
- (d) the requirements specified in the following provisions of Schedule C, as applicable, are met:
 - (i) paragraph (a) or (f) of section (2) (1);
 - (ii) sections 3 to 3.12, other than paragraph (a) of section 3 (1).

**Schedule A
Disability Assistance Rates**

Maximum amount of disability assistance before deduction of net income

1 (1) ... 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 ... of this Schedule ...

Monthly support allowance

2 (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 (\$)
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1	Sole applicant / recipient and no dependent children	Applicant / recipient is a person with disabilities	\$983.50
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Monthly shelter allowance

4 (2) The monthly shelter allowance for a family unit other than a family unit described in section 14.2 (1) of the Act is the greater of

- (a) the minimum set out in the following table for the family unit, and
- (b) the lesser of
 - (i) the family unit's actual shelter costs, and
 - (ii) the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
1	1 person	\$75	\$375

**Schedule C
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 ...

Medical equipment and devices

3 (1) ... 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 ...

Medical equipment and devices — canes, crutches and walkers

Medical equipment and devices — wheelchairs

Medical equipment and devices — wheelchair seating systems

Medical equipment and devices — scooters

Medical equipment and devices — toileting, transfers and positioning aids

Medical equipment and devices — hospital bed

Medical equipment and devices — pressure relief mattresses

Medical equipment and devices — floor or ceiling lift devices

Medical equipment and devices — breathing devices

Medical equipment and devices — orthoses

Medical equipment and devices — hearing instruments

Medical equipment and devices — non-conventional glucose meters

MEDICAL AND HEALTH CARE SERVICES REGULATION

Definitions

7.6 In this Part:

"adjusted net income", in relation to an eligible person, means the net income of the eligible person adjusted

(a) by the following additions, as applicable:

- (i) if the eligible person has a spouse, the net income of the spouse;
- (ii) if the eligible person is married to, or in a marriage-like relationship with, another person who is not a resident, the net income of the other person ...

(b) by the following deductions, as applicable:

- (i) \$3 000 for a dependent spouse;
- (ii) \$3 000 for each of the eligible person and the eligible person's spouse who has attained the age of 65 years on or before December 31 of the current taxation year;
- (iii) \$3 000 for each dependent child who is a resident, minus 1/2 of the child care expense deduction the eligible person is entitled to claim under the *Income Tax Act* (Canada);
- (iv) \$3 000 for each family member who had a disability within the meaning of the *Income Tax Act* (Canada) during the immediately preceding taxation year;
- (v) the amount the eligible person or the eligible person's spouse received under section 4 of the *Universal Child Care Benefit Act* (Canada) in the immediately preceding taxation year;
- (vi) the amounts in respect of a registered disability savings plan the eligible person or the eligible person's spouse was required, by section 146.4 of the *Income Tax Act* (Canada), to include in computing income for the immediately preceding taxation year;
- (vii) \$3 000 for each post-secondary student who is supported by the eligible person;

"eligible person" means a beneficiary who satisfies the commission that the beneficiary

- (a) has, for the 12 consecutive months immediately prior to the date on which the beneficiary's determination of eligibility for supplemental services first takes effect under section 11, made the beneficiary's home in Canada and been a citizen of Canada or lawfully admitted to Canada for permanent residence,
- (b) is not a minor or a post-secondary student,
- (c) is not exempt from liability to pay income tax by reason of any other Act, and
- (d) is not a person
 - (i) for whom medical, surgical or obstetrical care or diagnostic services are provided under an agreement or arrangement that the care or services are paid for by the government of British Columbia other than under the *Hospital Insurance Act*, or

(ii) for whose health and welfare care the government of Canada is responsible ...

Eligibility for supplemental services based on income

11 (3) If the adjusted net income of an eligible person does not exceed \$42 000, the eligible person and, if applicable, the following persons, are eligible for supplemental services ...

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
Simon Clews

Signature of Chair

Date (Year/Month/Day)
2022/11/25

Print Name
Bill Farr

Signature of Member

Date (Year/Month/Day)
202/11/25

Print Name
Vivienne Chin

Signature of Member

Date (Year/Month/Day)
2022/11/25