

**Part C – Decision Under Appeal**

The decision under appeal is the decision of the Ministry of Social Development and Poverty Reduction (the "**Ministry**") reconsideration decision, dated February 8, 2023 (the "**Reconsideration Decision**"), in which the Ministry determined that the Appellant was not eligible for full coverage of requested dental services.

More specifically, the Ministry determined that the Appellant was eligible for partial coverage for root canal treatments (fee codes 33111, 33141, and 33131) up to the maximum amount in the Schedule of Fee Allowances – Dentist and the \$1000 limit under the legislation.

The Ministry determined that the Appellant was not eligible for coverage of other requested dental procedures (fee codes 27721, 3912, 33115, 33145, and 33135).

**Part D – Relevant Legislation**

- *Employment and Assistance for Persons with Disabilities Regulation* (the "**Regulation**") – sections 57, 63, 63.1, 64, and 69
- Schedule C of the *Regulation* ("**Schedule C**") – sections 1, 4, 4.1, and 5
- Schedule of Fee Allowances – Dentist

## Part E – Summary of Facts

### (a) The Reconsideration Decision

The evidence before the Ministry at the Reconsideration Decision consisted of:

- The Appellant has been designated as a person with disabilities (“**PWD**”) and is in receipt of disability assistance.
- Pursuant to section 25 of the *Employment and Assistance for Persons with Disabilities Act*, the Ministry delegated its power and duties as set out in the legislation to Pacific Blue Cross (“**PBC**”) for determining whether any coverage for specific dental services applies to the Appellant based on information found in the Schedule of Fee Allowances - Dentist and, if she does, the amount of coverage available to her.
- Between August 1, 2021 and December 31, 2022, the Appellant was provided with \$922.38 worth of dental supplements for basic dental services; however, the Appellant has not made any claims for dental coverage in the current period (January 1, 2023 to December 21, 2024).
- The Appellant’s dentist (the “**Dentist**”) referred her to an endodontist (the “**Endodontist**”).
- A note from the Endodontist, dated November 20, 2022, which states:

*“Patient [complains of] of periodic pain and gingival swelling near #36, #37 and near #12 for over 10 years. Patient also reported fever and stuffy nose that were often associated with gingival swelling. Patient had RCTs on #12, #36, #37 performed over 10 years ago. CBCT revealed large size radiolucencies associated with #36 and #37 root apexes, both lesion are close to the inferior alveolar nerve. #37 had more percussion pain than #36. #12 also has small apical radiolucency but with noticeable apical palpation pain. I have recommended endodontic Retreatment on #37, #36 and #12. I am uncertain that the fever and stuffy nose symptoms are indeed related to root canal infections, and have recommended patient to see a Rheumatologist regarding her overall health condition. Patient has NOT booked any appointment for the endodontic retreatments...”*

- A note from the Dentist, dated December 13, 2022, which states:

*“My patient... was referred to [the Endodontist] to diagnose the suspected ongoing infections and irritation that [the Appellant] has been experiencing. I performed a root canal on tooth #16, and tooth #44 had a root canal completed in the past. I strongly advised [the Appellant] to have 2 crowns completed to help protect the integrity of the root canals to prevent potential future damages or infections of those 2 teeth. I am supportive in the fact that I believe this is necessary for [the Appellant] to have these dental procedures and that they will benefit the health and life of [the Appellant]. The infections have brought [the Appellant] pain, and is believed to have led to overall health issues, but this is something I cannot state for certain.”*

- On December 21, 2022, the Endodontist requested pre-authorization from PBC for the following dental services:
  - "39212 – Opening Through Artificial Crown, Molars"
  - "33135 – Retreat of previous completed therapy..."
  - "27721 Crown Access Repair".
- PBC rendered its decision (the "**Initial Decision**") as follows:

Tooth No.	Fee Code	Description	Dentist Fees	Ministry Rate/Approved amount	PBC response
<b>Predetermination Claim 147677282</b>					
12	27721 *	Crown Access repair	\$250	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>
12	33115 Pre-authorized as 33111 **	Root Canal, One canal, re-treatment of previously completed therapy  (pre-authorized under code 33111; root canal, one canal)	\$1,700	(Ministry rate is \$279.59) Approved for \$77.62	<i>We reimbursed the maximum amount allowed under your plan for procedures by general practitioners/specialists. The submitted procedure code was alternated to another procedure code and therefore, the amount of your reimbursement may have been reduced. Payable Amount reduced due to payable dollar maximum rule. We considered this expense up to the maximum amount allowed under your plan.</i>
12	3912 *	Opening through artificial crown, molars	\$100	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>
<b>Predetermination Claim 147677129</b>					
36	27727 *	Crown Access repair	\$250	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>
36	33145 Pre-authorized as 33141 **	Root Canal, Four or more Canals, re-treatment of previously completed therapy	\$2200	(Ministry rate is \$573.95) Approved for \$77.62	<i>We reimbursed the maximum amount allowed under your plan for procedures by general practitioners/specialists. The submitted procedure code was alternated to another</i>

		(pre-authorized under code 33141, Root Canal, Four or more canals)			<i>procedure code and therefore, the amount of your reimbursement may have been reduced. Payable Amount reduced due to payable dollar maximum rule. We considered this expense up to the maximum amount allowed under your plan.</i>
36	39212 *	Opening through artificial crown, molars	100	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>
Predetermination Claim 147677218					
37	27727 *	Crown Access repair	\$250	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>
37	33135 Pre-authorized as 33131 **	Root Canal, Three Canals, re-treatment of previously completed therapy  (pre-authorized under code 33131, Root Canal, Three canals)	\$2200	(Ministry rate is \$516.04) Approved for \$77.62	<i>We reimbursed the maximum amount allowed under your plan for procedures by general practitioners/specialists. The submitted procedure code was alternated to another procedure code and therefore, the amount of your reimbursement may have been reduced. Payable Amount reduced due to payable dollar maximum rule. We considered this expense up to the maximum amount allowed under your plan.</i>
37	39212 *	Opening through artificial crown, molars	100	0	<i>We are unable to provide reimbursement for this expense. It is not a covered benefit under your plan.</i>

- On December 29, 2022, the Ministry offered to reconsider the Initial Decision (the "**Reconsideration Request**").
- On January 11, 2023, the Appellant requested additional time to submit the Reconsideration Request so that she could work with an advocate.
- On February 8, 2023, the Appellant submitted her Reconsideration Request which included a letter from her (then) advocate, dated February 7, 2023, wherein they highlighted the importance and suitability of the dental procedures requested by the Endodontist. In addition, the advocate asked the Ministry to consider the Appellant's request for dental services as a "*health supplement for persons facing direct life threatening health need*".
- On February 8, 2023, the Ministry advised the Endodontist that the Appellant was approved for partial coverage for the following treatments:

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Tooth No.	Fee Code	Description	Dentist Fees	Approved amount
12	33115 (Pre-authorized as 33111)	Root Canal, One canal, re-treatment of previously completed therapy  (Pre-authorized under code 33111; root canal, one canal)	\$1,700	\$279.59
36	33145 (Pre-authorized as 33141)	Root Canal, Four or more canals, re-treatment of previously completed therapy  (Pre-authorized under code 33141, Root Canal, four or more canals)	\$2200	\$573.95
37	33135 (Pre-authorized as 33131)	Root Canal, Three canals, re-treatment of previously completed therapy  (Pre-authorized under code 33131, Root Canal, three canals)	\$2200	\$146.46
Total			\$6100	\$1000

**Note:**

1. These procedures were pre-authorized according to the Schedule of Fee Allowances – Dentist, up to the patient's 2-year \$1000 limit for *basic dental services*. This is the rate of coverage, provided no prior claims of basic dental services for this period are made prior to submitting. The patient is responsible for any balance.
2. These fee codes were approved with consideration of an additional 10% of funding, as these services are to be completed by a certified specialist, as set out in page vi of the Schedule of Fee Allowances – Dentist.

- On February 8, 2023, the Ministry also issued the Reconsideration Decision which included the following:

*Upon reconsideration, the ministry has determined you are eligible for partial coverage of your root canal treatments (fee codes 33111, 33141, and 33131) up to the maximum amount in the Schedule of Fee Allowances – Dentist. This is limited by the maximum amount (\$1000) for basic dental services during the current billing period (January 1, 2023 to December 31, 2024).*

*You are not eligible for partial/full coverage of your dental procedures (fee codes 27721, 3912, 33115/33111, 33145/33141, and 33135/33131):*

- *The ministry is not authorized to provide coverage for fees in excess of the rates set out in the Schedule of Fee Allowances – Dentist (fee codes 33111, 33141, and 33131).*
- *The ministry is not authorized to provide coverage for basic dental services over the \$1000 limit except for dentures.*
- *The ministry may provide coverage over the \$1000 limit for specific emergency dental services if the procedures requested have been identified by a dental/medical practitioner as being for the immediate relief of pain, to control infection or bleeding, or if your health is otherwise immediately jeopardized. However, none of the requested procedure fee codes are included as emergency dental services in the Schedule of Fee Allowances – Dentist – Emergency Dental Services.*
- *The ministry is not authorized to provide coverage for services that are not set out in the Schedule of Fee Allowances – Dentist (fee codes 27721, 3912).*
- *Schedule C health supplements, of which dental services are included, are health care goods/services and are excluded from funding as crisis supplements.*
- *Dental supplements are not included in the specific supplements which can be considered under the legislation for a life-threatening health need.*

**(b) The Appeal**

On February 15, 2023, the Appellant filed a Notice of Appeal (the "**Appeal Notice**"). In the Appeal Notice, the Appellant explained that she disagreed with the Reconsideration Decision because:

*"I am in pain due to the active infected root canal on my tooth #12, tooth #36, and tooth #37. I am on CPP disabilities due to brain injury from multiple car accidents. I have no financial means to afford root canal treatment. Please help!"*

The Appellant's Appeal hearing was held on April 11, 2023, via videoconference.

In advance of the Appeal hearing, the Appellant submitted a lab report from Life Labs (the "**Report**"), dated April 20, 2021, and a personal statement in which she wrote:

*"...I have been having chronic infection and inflammation on my three teeth that have had prior root canal treatment. The chronic infections cause swelling and pain when chewing food. Chronic inflammation occurs once every two to three weeks... I have been taking pain medications for a very long time and as such I have developed a very high tolerance to the medication, and it no longer works in reducing toothache... The swelling on the infected areas causes lower jaw pain and makes chewing food extremely challenging and as a result I had to resort to drinking protein supplements to ensure adequate nutrition intake to prevent further weight loss. I have been gradually losing weight over the years due to malnutrition because of not having enough food intake... Anyone who has had a toothache knows the level of suffering one experiences with the pain. When I am in pain I cannot function as a normal human being... While I understand that the ministry is limited by the legislation set forth as it has been made abundantly clear to me on many occasions, I kindly ask both the ministry and the tribunal to please reconsider and grant me full coverage for my much-needed endodontist treatment based on extraordinary circumstances because my condition do not fit neatly into the ministry's eligibility criteria..."*

According to the Report, the Appellant's *eosinophils* levels are abnormal, and her *ferritin* levels are at the lowest end of the potential range for same. Briefly, *eosinophils* are a type of disease-fighting white blood cell, while *ferritin* is a blood protein which is measured to determine how much iron a person's body stores.

The Appellant also provided a letter from her mother, dated April 2, 2023, which partially states:

*"... [The Appellant] lives with me due to her illness and seeing her have chronic toothache breaks my heart. The pain debilitated every aspect of her life... I hereby kindly ask the tribunal and the ministry to please consider her circumstances and grant her full coverage for her endodontist treatment on exception..."*

**Oral Submissions and Late Evidence**

The Appellant was assisted by an advocate (the "**Advocate**") during oral submissions.

The Appellant explained that she was referred to the Endodontist because the Dentist believed they did not have the ability to successfully treat the Appellant's dental condition. In describing her condition, the Appellant explained that she experiences a pattern of fever, swelling and pain several times a month which she attributes to her dental condition. While the Appellant takes over the counter medication to address her fever, swelling and pain, she finds that it provides little relief such that she finds its difficult to chew or speak.

As it relates to the Endodontist's suggestion that the Appellant see a rheumatologist regarding her overall health condition, the Appellant noted she was on a waitlist to see one.

As it relates to the legislation governing the Ministry's ability to provide the Appellant with funding for basic dental services to address her dental issues, the Appellant acknowledged that the funding was capped; however, she was asking the Panel to fit her into a category whereby she could obtain additional funding for full coverage to cover the Endodontist's recommended treatment.

In conclusion, the Advocate submitted that the Appellant's health would suffer over the next 2 to 3 years if she did not receive additional funding to obtain the recommended dental treatment. The Appellant did not dispute this Advocate's suggested timeline.

In response, the Ministry referred to and relied upon the Appeal Record which largely consisted of the Reconsideration Decision. Upon questioning, the Ministry speculated that the Appellant could seek out community assistance from community groups such as churches for direct funding, and access local low-cost dental programs as a method of closing the funding gap she was experiencing.

The Ministry had no objection to the Appellant's oral submissions and additional evidence. The Panel determined that the Appellant's submissions and evidence were admissible as additional evidence pursuant to section 22(4) of the *Employment and Assistance Act* as it was reasonably required for a full and fair disclosure of all matters related to the decision under Appeal. More specifically, the additional evidence contributed to the Panel's understanding of the circumstances surrounding the Appeal.

**Part F – Reasons for Panel Decision**

The issue under appeal is the reasonableness of the Reconsideration Decision in which the Ministry determined that the Appellant was not eligible for coverage of dental fees in excess of the rates set out in the Schedule of Fee Allowances – Dentist and the 2-year \$1000 limit under the Regulation.

**Appellant's Position**

The Appellant argues that she should be eligible for complete funding above the *Regulation's* monetary limits to pay for the Endodontist's recommended treatments of her dental conditions.

**Ministry's Position**

The Ministry maintains that the Appellant does not qualify for full dental coverage for the same reasons as stated in the Reconsideration Decision.

**Panel Decision**

Section 63 of the *Regulation* permits the Ministry to provide a dental supplement as set out in section 4 of Schedule C to a family unit in receipt of disability assistance.

Section 63.1 of the *Regulation* permits the Ministry to provide a crown and bridgework supplement as set out in section 4.1 of Schedule C to a family unit in receipt of disability assistance.

Section 64 of the *Regulation* permits the Ministry to provide an emergency dental supplement as set out in section 5 of Schedule C to a family unit in receipt of disability assistance.

Section 69 of the *Regulation* permits the Ministry to provide any health supplement as set out in sections 2(1)(a) and (f) and 3 of Schedule C to a family unit in receipt of disability assistance 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 the *Regulation* and, if amongst other things, and the Minister is satisfied that the person faces a direct and imminent life threatening need.

Section 57 of the *Regulation* permits the Ministry to provide a crisis supplement to or for a family unit that is eligible for disability assistance.

**(a) Section 63 Eligibility**

It is undisputed that the Appellant has been designated as a PWD and is in receipt of disability assistance; as a result, the Appellant could receive a dental supplement as provided for by section 63 of the *Regulation*.

On review of section 4(1.1)(b) of Schedule C, the Panel notes that, in the case of the Appellant, health supplements that may be paid under section 63 of the *Regulation* are basic dental services to a maximum of \$1,000.00. Given the circumstances, the Panel finds that the Ministry has no discretion to provide the Appellant with funding for basic dental services above the maximum amount of \$1,000.00 as provided for by section 63 of the *Regulation*.

As a result of the foregoing, the Ministry's decision to deny the Appellant's funding for basic dental



services above the maximum amount of \$1,000.00 was a reasonable application of section 63 of the *Regulation*.

**(b) Section 63.1 Eligibility**

It is undisputed that the Appellant has been designated as a PWD and is in receipt of disability assistance; as a result, the Appellant could receive a dental supplement as provided for by section 63.1 of the *Regulation*.

The Panel notes that section 4.1(1) of Schedule C defines “crown and bridgework” as a dental service that is (a) provided by a dentist, (b) set out in the Schedule of Fee Allowances — Crown and Bridgework, (c) that is provided at the rate set out for the service in that Schedule, and (d) for which a person has received the pre-authorization of the Minister. Further, section 4.1(2)(b) of Schedule C provides that a health supplement may be paid to a person under section 63.1 of the *Regulation* for crown and bridgework only if the Minister is of the opinion that the person has a dental condition that cannot be corrected through the provision of basic dental services.

The Panel notes that the dental services requested by the Appellant neither meet the definition set out in section 4.1(1) of Schedule C nor are they listed in the section of the Schedule of Fee Allowances — Dentist pertaining to crown and bridgework. As a result, the Panel finds that the Ministry’s decision to deny the Appellant a dental supplement as provided for by section 63.1 of the *Regulation* was a reasonable application of the legislation.

**(c) Section 64 Eligibility**

It is undisputed that the Appellant has been designated as a PWD and is in receipt of disability assistance; as a result, the Appellant could receive an emergency dental supplement as provided for by section 64 of the *Regulation*.

The Panel notes that section 1 of Schedule C defines an emergency dental supplement as a dental service necessary for the immediate relief of pain that, if provided by a dentist (i) is set out in the Schedule of Fee Allowances — Emergency Dental — Dentist, that is effective September 1, 2017 (updated on February 18, 2020) and is published on the website of the Ministry of the Minister, and (ii) is provided at the rate set out in that Schedule for the service and the category of the person receiving the service. On review of the noted Schedule of Fee Allowances, the Panel notes that, while it does provide for limited emergency endodontic emergency treatment, it does not provide for the type of dental treatment requested by the Appellant; indeed, the Schedule of Fee Allowances does not provide for fee codes 27721 and 3912.

As a result of the foregoing, the Panel finds that the Ministry’s decision to deny the Appellant an emergency dental supplement was a reasonable application of section 64 of the *Regulation*.

**(d) Section 69 Eligibility**

It is undisputed that the Appellant has been designated as a PWD and is in receipt of disability assistance; as a result, the Appellant could receive a health supplement as provided for by section

69 of the *Regulation*.

The Panel notes that, while the Appellant has attempted to provide evidence of a direct threat to her life arising from her dental condition, it is unlikely that her condition gives rise to an imminent threat as required by the legislation given that both the Appellant and Advocate submitted that the Appellant's health would worsen in 2 to 3 years. In other words, the Appellant's worsening condition is not imminent. However, even if the Appellant faced a direct and imminent threat to her life, the Panel notes that section 69 only allows for supplements provided in sections 2(1)(a) and (f), and section 3 of Schedule C. The Panel notes that neither section 2(1)(a) and (f) nor section 3 of Schedule C provide for the type of dental services requested by the Appellant.

As a result, the Panel finds that the Ministry's decision to deny the Appellant's request was a reasonable application of section 69 of the *Regulation*.

#### **(e) Section 57 Eligibility**

It is undisputed that the Appellant has been designated as a PWD and is in receipt of disability assistance.

The Panel notes that section 57(3) of the *Regulation* states that a crisis supplement may not be provided for the purpose of obtaining (a) a supplement described in Schedule C, or (b) any other health care goods or services. Generally speaking, the crisis supplements referred to in section 57 of the *Regulation* pertain to food, shelter (including utilities), and clothing.

As section 57 does not provide for dental services, which are Schedule C supplements, , the Panel finds that the Ministry's decision to deny the Appellant's dental funding request was a reasonable application of section 57 of the *Regulation*.

#### **Conclusion**

The Panel finds that the Ministry's decision to deny the Appellant's request for a complete dental treatment funding pursuant to sections 57, , 63, 63.1 64, and 69 of the *Regulation* was a reasonable application of the legislation in the circumstance.

While the Appellant's circumstances are unfortunate, the Panel notes the Ministry's advisement that alternative funding maybe available to the Appellant via community groups and local low-cost community dental programs. As a result, the Panel encourages the Appellant to seek alternative funding for her dental treatment. Alternatively, the Appellant can return to the Endodontist to determine if alterative treatments are available that would be funded by the *Regulation* and the Schedule of Fee Allowances – Dentist.

The Appellant is not successful on appeal.

**Legislation*****Employment and Assistance for Persons with Disabilities Regulation*****Crisis supplement**

57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and

(b) the minister considers that failure to meet the expense or obtain the item will result in

(i) imminent danger to the physical health of any person in the family unit, or

(ii) removal of a child under the Child, Family and Community Service Act.

...

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

...

...

**Dental Supplements**

63 The minister may provide any health supplement set out in section 4 [dental supplements] of Schedule C to or for

(a) a family unit in receipt of disability assistance,

(b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, 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.

### **Dental Supplements**

- 63.1 The minister may provide a crown and bridgework supplement under section 4.1 of Schedule C to or for
- (a) a family unit in receipt of disability assistance,
  - (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, 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.

...

### **Emergency dental and denture supplement**

- 64 The minister may provide any health supplement set out in section 5 [emergency dental supplements] of Schedule C to or for
- (a) a family unit in receipt of disability assistance,
  - (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a person in the family unit who is under 19 years of age, 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.

...

### **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).

### **Health Supplements Schedule C**

#### **Definitions**

1 In this Schedule:

**"basic dental service"** means a dental service that

- (a) if provided by a dentist,
  - (i) is set out in the Schedule of Fee Allowances — Dentist that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
  - (ii) is provided at the rate set out in that Schedule for the service and the category of person receiving the service,

...

**"emergency dental service"** means a dental service necessary for the immediate relief of pain that,

- (a) if provided by a dentist,
  - (i) is set out in the Schedule of Fee Allowances — Emergency Dental — Dentist, that is effective September 1, 2017 and is published on the website of the ministry of the minister, and
  - (ii) is provided at the rate set out in that Schedule for the service and the category of the person receiving the service, and

...

#### **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;
  - ...
  - (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.

...

### **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.

### **Medical equipment and devices — canes, crutches and walkers**

3.1 ...

### **Medical equipment and devices — wheelchairs**

3.2 ...

### **Medical equipment and devices — wheelchair seating systems**

3.3 ...

### **Medical equipment and devices — scooters**

3.4 ...

**Medical equipment and devices — toileting, transfers and positioning aids**

3.5 ...

**Medical equipment and devices — hospital bed**

3.6 ...

**Medical equipment and devices — pressure relief mattresses**

3.7 ...

**Medical equipment and devices — floor or ceiling lift devices**

3.8 ...

**Medical equipment and devices — breathing devices**

3.9 ...

**Medical equipment and devices — orthoses**

3.10 ...

**Medical equipment and devices — hearing instruments**

3.11 ...

**Medical equipment and devices — non-conventional glucose meters**

3.12 ...

**Dental supplements**

4 (1) In this section, "**period**" means

- (a) in respect of a person under 19 years of age, a 2 year period beginning on January 1, 2017, and on each subsequent January 1 in an odd numbered year, and
- (b) in respect of a person not referred to in paragraph (a), a 2 year period beginning on January 1, 2003 and on each subsequent January 1 in an odd numbered year.

(1.1) The health supplements that may be paid under section 63 [dental supplements] of this regulation are basic dental services to a maximum of

- (a) \$2 000 each period, if provided to a person under 19 years of age, and
- (b) \$1 000 each period, if provided to a person not referred to in paragraph (a).
- (c) Repealed. [B.C. Reg. 163/2005, s. (b).]



### **Crown and bridgework supplement**

- 4.1 (1) In this section, "crown and bridgework" means a dental service
- (a) that is provided by a dentist,
  - (b) that is set out in the Schedule of Fee Allowances — Crown and Bridgework, that is effective April 1, 2010 and is published on the website of the ministry of the minister,
  - (c) that is provided at the rate set out for the service in that Schedule, and
  - (d) for which a person has received the pre-authorization of the minister.
- (2) A health supplement may be paid under section 63.1 of this regulation for crown and bridgework but only if the minister is of the opinion that the person has a dental condition that cannot be corrected through the provision of basic dental services because
- (a) the dental condition precludes the provision of the restorative services set out under the Restorative Services section of the Schedule of Fee Allowances — Dentist, and
  - (b) one of the following circumstances exists:
    - (i) the dental condition precludes the use of a removable prosthetic;
    - (ii) the person has a physical impairment that makes it impossible for the person to place a removable prosthetic;
    - (iii) the person has an allergic reaction or other intolerance to the composition or materials used in a removable prosthetic;
    - (iv) the person has a mental condition that makes it impossible for the person to assume responsibility for a removable prosthetic.
- (3) The minister must also be satisfied that a health supplement for crown and bridgework will be adequate to correct the dental condition.
- (4) A health supplement for crown and bridgework may not be provided in respect of the same tooth more than once in any period of 60 calendar months.

### **Emergency dental supplements**

- 5 The health supplements that may be paid for under section 64 [emergency dental and denture supplements] of this regulation are emergency dental services.

### **Schedule of Fee Allowances – Dentist**

**Effective September 1, 2017 (updated February 18, 2020)**

FEE NO.	FEE	DESCRIPTION	FEE AMOUNT (\$)	
			Adult	Child

**ROOT CANAL THERAPY**

**Note:** Paid once per tooth per lifetime on permanent teeth or retained primary teeth ONLY. Where there is no permanent successor, the dentist must indicate on claim that tooth is a retained primary tooth. To include treatment plan, clinical procedures, with appropriate radiographs, including temporary restoration but excluding final restoration. Post-operative radiographs may be requested to support claims for two canals on permanent cuspid or anterior teeth.

33111	One canal	254.17	327.96
33121	Two canals	330.93	421.46
33131	Three canals	469.13	600.28
33141	Four or more canals	521.77	671.51

APPEAL NUMBER 2023-0048

**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  
Anil Aggarwal

Signature of Chair

Date (Year/Month/Day)  
2023/04/11

Print Name  
Carmen Pickering

Signature of Member

Date (Year/Month/Day)  
2023/04/11

Print Name  
Peter Mennie

Signature of Member

Date (Year/Month/Day)  
2023/04/11