

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”), dated August 7, 2024. In the Reconsideration Decision, the Ministry determined that the Appellant was not eligible for a health supplement for counseling as counseling is not among the items for which a health supplement may be provided under Schedule C to the Employment and Assistance for Persons with Disabilities Regulation.

The Ministry also determined that no health supplement was available for counseling:

- as a medical supply under section 2(1) of Schedule C to the Regulation;
- under the provisions of section 69 of the Regulation as a life threatening need; or
- as a crisis supplement under section 57 of the Regulation.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”)- sections 57, 62, 62.1, 62.2, 63, 63.2, 64, 65, 66, 67, 67.001, 67.01, 68, 69, and 70, Schedule C- sections 2, 2.1, 2.2, 3, 3.1 through 3.12, 4, 4.1, 4.2, 5, 6, 7, 8, 9, and 11.

Part E – Summary of Facts

The hearing of the appeal proceeded by teleconference on September 9, 2024 with the Appellant, the Appellant's father, and a representative of the Ministry in attendance.

The Appellant is a sole recipient of disability assistance.

The information before the Ministry at the time of the Reconsideration Decision included the following:

- a letter from the Ministry, dated May 21, 2024, denying the Appellant's request for a health supplement for counseling;
- the Ministry's Extended Medical Therapies Decision Summary, dated May 21, 2024, which set out that:
 - no medical information had been provided with the request; and
 - although the Appellant's family unit did not have sufficient resources to pay for the counseling that counseling was not among the therapies provided for under Schedule C to the Regulation;
- a letter, dated April 30, 2024, from the Appellant's parent to the Ministry's insurer, expressing dismay at the denial of coverage for the Appellant's counseling, as counseling kept the Appellant in a good place with her anxiety, which reduced the likelihood of relapses related to the Appellant's mental health and that proactive intervention was a more efficient use of government resources than having to deal with issues if the Appellant were to suffer relapses;
- an e-mail, dated April 30, 2024 from the Ministry's insurer to the Appellant's parent, explaining that counseling was not a benefit which it was authorized to pay under the terms of its contract with the Ministry;
- the Appellant's Request for Reconsideration, dated July 9, 2024, which included:
 - handwritten notes from the Appellant in which she, respectively, requested an extension and wrote that she was attaching a letter from her doctor and from herself;
 - a letter from the Appellant's doctor, dated July 9, 2024, in which the doctor wrote that:
 - the Appellant has complex mental health issues;
 - the Appellant took medication to manage her mental health issues;
 - the Appellant's mental health issues also required psychotherapy which was not available through the public health system; and
 - the Appellant's counseling was essential for her health and functioning;
 - if the counseling was discontinued, it is unlikely that the appellant would be able to maintain her employment or stability; and

- a letter from the Appellant in which she wrote that:
 - her doctor described her counseling as “essential”; and
 - the initial denial decision referenced the Regulation but did not address “whatever discretion or potential other options may be available” for the Appellant and why such other options were not implemented in the Appellant’s case.

The Appellant’s Notice of Appeal was filed on August 16, 2024. In her Notice of Appeal, the Appellant wrote that it is unfair that her clinical counseling would only be covered if she was in a state of crisis.

New Evidence

Prior to the hearing, the Appellant filed a further letter, dated September 2, 2024 (the “Letter”) from another doctor who wrote that:

- ongoing clinical counseling for the Appellant was strongly recommended;
- the Appellant was diagnosed with Autism Spectrum Disorder with a co-morbid diagnosis of Psychotic Disorder;
- while medication was helpful in mitigating the appellant’s symptoms, diligent work with a psychotherapist was needed to assist with medication management and to monitor early signs of symptom relapse;
- the Appellant’s ability to cope with stressors was lessened when she was not receiving therapy; and
- clinical counseling should be funded in order to continue to improve the Appellant’s functioning and prevent future relapses.

The Hearing

Appellant

At the hearing of the appeal, the Appellant described her background. She noted that she is 28 years old with a diagnosis of Autism Spectrum Disorder and a non-verbal learning disability. The Appellant noted that her abilities are often overestimated and that the extent of her disability is frequently overlooked.

The Appellant stated that she needs the correct support in order to be able to function and described her method of learning to the panel.

The Appellant also described her mental health challenges noting that she has also developed psychosis which compounded the Appellant’s challenges with her everyday functioning.

The Appellant stated that she has a home-based team that has been working with her for almost twenty years, in some cases. In particular, she has been receiving counseling from a counselor who has a long history of working with her but only became a clinical counselor approximately two years ago.

The Appellant described having two jobs, including one as a receptionist at a massage therapy clinic on weekends and another as a medical office assistant at a doctor's office. The job at the doctor's office was described as fast-paced and stressful. She has been at her first job for approximately three years and has worked at the second job for four years. Having a job is very important to the Appellant's mental health and sense of self and she stated that without the clinical counseling that she has been receiving, she would not have succeeded in holding down both jobs. She stated that she usually has counseling sessions weekly and that weekly sessions are a good frequency.

The Appellant's father conceded that clinical counseling was not among the specific items for which a health supplement could be paid but he noted that, to that extent, the Regulation fails to prioritize the importance of a person's mental health and how counseling can maintain one's mental health. The Appellant's father also pointed out that the Appellant potentially would be eligible for counseling if she was in a life threatening need. He noted the irony that the purpose of the counseling was to ensure that the Appellant's mental health did not get to the point where counseling became a life threatening need.

The Appellant's father stated that, to date, the cost of counseling has been provided for by the Appellant's family but that the family does not have unlimited resources to continue paying for it.

The Appellant's father speculated that the Ministry may have been reluctant to provide funding for the clinical counseling due to the fact that the clinical counselor is not a "specialist" within the meaning of section 1 of Schedule C out of a concern for its potential liability. The Appellant's father stated that if this was the case, the family would be willing to sign a waiver of whatever nature may be required in order to secure funding.

The Ministry

The Ministry stated that the request was rejected because counseling is not among the extended medical therapies set out in section 2(1)(c) of Schedule C to the Regulation nor is among the other specifically described health supplements that the Ministry is legislatively authorized to provide under Schedule C.

The Ministry noted that the extended medical therapies coverage is black and white under the Regulation and that there is no discretion for the Ministry to provide a supplement in respect of any other health item that is not specifically referenced in the Regulation.

The Ministry also stated that the Appellant was not eligible for a health supplement as a life threatening health need because section 69 permits the Ministry to provide only a health supplement provided for in sections 2(1)(a) and (f) and 3 of Schedule C when a family unit is otherwise ineligible if all of the other criteria under section 69 are met. In other words, the Ministry cannot provide a supplement in respect of an item not set out in sections 2(1)(a) and (f) or section 3 of Schedule C, even if there is a life threatening need. Again, the Ministry pointed out, counseling does not fall under those sections. The Ministry confirmed that it was not concerned about its liability as a result of the clinical counselor not being a specialist, as defined by section 1 of Schedule C to the Regulation.

Finally, the Ministry stated that section 57 of the Regulation also did not authorize the Ministry to provide a supplement in respect of supplements described in Schedule C or any other health care goods or services and that while counseling is not among the items described in Schedule C, it is reasonable to conclude that it is a health care good or service.

Admissibility of New Evidence

The Panel is authorized under Section 22(4) of the *Employment and Assistance Act* (the "Act"), to consider evidence in addition to the information the Ministry had at the time of the Reconsideration Decision if it is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. The panel admits the oral evidence given by both parties at hearing, as well as the Letter, pursuant to section 22(4) of the Act, as all of it relates directly to the Appellant's need for counseling and, as such, is evidence that is required for a full and fair hearing of all matters related to this appeal.

Part F – Reasons for Panel Decision

Issue on Appeal

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a health supplement for counseling as counseling is not among the items for which a health supplement may be provided under Schedule C to the Regulation and whether the Ministry reasonably determined that no supplement was available for counseling:

- as a medical supply under section 2(1) of Schedule C to the Regulation;
- under the provisions of section 69 of the Regulation as a life threatening need;
- or as a crisis supplement under section 57 of the Regulation.

Positions of the Parties

The Appellant

The Appellant's position is that, although clinical counseling is not specifically referenced in the Regulation, the Regulation does not prioritize mental health sufficiently and the Ministry must have some discretion to provide a supplement in respect of counseling, particularly where the counseling may be required to prevent it from becoming a life threatening need.

The Ministry

The Ministry's position is that, although the clinical counseling appears to be beneficial for the Appellant and while the health supplements provisions of the Regulation do not address mental health items to a significant degree, its authority to provide supplements is a function of the Regulation and the Regulation simply does not authorize it to provide a supplement in respect of the Appellant's clinical counseling. Likewise, it has no discretion to provide a supplement that is not authorized by the legislation, even if the item being sought is, like the Appellant's clinical counseling, an item that can provide significant benefit.

Panel Reasons

Section 62 of the Regulation authorizes the Ministry to pay a health supplement in respect of the items set out in sections 2 or 3 of Schedule C to the Regulation to a family unit that is in receipt of disability assistance, hardship assistance (where the supplement is provided to a person under 19 years of age in the family unit), or to a continued person.

The Appellant is a recipient of disability assistance and, as such, is presumptively eligible for those health supplements described in section 62 of the Regulation.

Sections 62.1 and 62.2 of the Regulation have similar eligibility criteria for optical supplements and eye examination supplements, respectively.

Sections 63 through 68 of the Regulation set out the basic eligibility criteria for, respectively:

- dental supplements (section 63);
- crown and bridgework supplements (section 63.1);
- denture supplements (section 63.2);
- emergency denture and denture supplements (section 64);
- orthodontic supplements (section 65);
- diet supplements (section 66);
- nutritional supplements (section 67);
- nutritional supplement – short-term (section 67.001);
- tube feed nutritional supplements (section 67.01);
- infant formula supplements (section 67.1); and
- natal supplements (section 68);
- drug or alcohol treatment supplements (section 70); and
- alternative hearing assistance supplements (section 70.02).

For each of the above-described sections, the items for which supplements are available are specifically set out in Schedule C to the Regulation. More specifically, they are set out from sections 2 to section 11 of Schedule C to the Regulation.

The list of items for which a health supplement may be provided under Schedule C to the Regulation are, as noted by the Ministry, exhaustive and include the following:

- medical or surgical supplies, including lancets, needles and syringes, ventilator supplies, tracheostomy supplies, and consumable medical supplies required to thicken food section (section 2(1)(a.1) and (a.2) of Schedule C to the Regulation);
- acupuncture, chiropractic, massage therapy, naturopathy, non-surgical podiatry, and physical therapy (section 2(1)(c) of Schedule C to the Regulation);
- transportation to or from the offices of specified health professionals (section 2(1)(f) of Schedule C to the Regulation);
- optical supplements (section 2.1 of Schedule C to the Regulation);
- eye examination supplements (section 2.2 of Schedule C to the Regulation);
- canes, crutches and walkers (section 3.1 of Schedule C to the Regulation);
- wheelchairs (section 3.2 of Schedule C to the Regulation);

- wheelchair seating systems (section 3.3 of Schedule C to the Regulation);
- scooters (section 3.4 of Schedule C to the Regulation);
- toileting, transfers and positioning aids (section 3.5 of Schedule C to the Regulation);
- hospital bed (section 3.6 of Schedule C to the Regulation);
- pressure relief mattresses (section 3.7 of Schedule C to the Regulation);
- floor or ceiling life devices (section 3.8 of Schedule C to the Regulation);
- breathing devices (section 3.9 of Schedule C to the Regulation);
- orthoses (section 3.10 of Schedule C to the Regulation);
- hearing instruments (section 3.11 of Schedule C to the Regulation);
- non-conventional glucose meters (section 3.12 of Schedule C to the Regulation);
- dental (section 4 of Schedule C to the Regulation);
- crown and bridgework (section 4.1 of Schedule C to the Regulation);
- denture (section 4.2 of Schedule C to the Regulation);
- emergency dental (section 5 of Schedule C to the Regulation);
- diet (section 6 of Schedule C to the Regulation);
- monthly nutritional (section 7 of Schedule C to the Regulation);
- natal (section 8 of Schedule C to the Regulation);
- infant formula (section 9 of Schedule C to the Regulation); and
- alternative hearing supplement (section 11 of Schedule C to the Regulation).

As can be seen from the above, neither clinical counseling nor any form of psychological or psychiatric treatment are among the items referenced in Schedule C to the Regulation.

Given that section 62 to section 70.02 of the Regulation limit the Ministry's ability to provide supplements for only those items described in the relevant sections of Schedule C and given that counseling is not among those items, the panel finds that the Ministry was reasonable in its determination that there is no legislative authority for the Ministry to provide a supplement in respect of the Appellant's clinical counseling. While the Appellant and the Appellant's father raised the issue of the Ministry's discretion to provide a supplement for the clinical counseling, the legislation also makes clear that no such discretion exists, notwithstanding the clear evidence that the Appellant derives significant benefits from clinical counseling, which is acknowledged by the Ministry.

Section 57 of the Regulation authorizes the Ministry to provide a crisis supplement in specified circumstances. Namely, if the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed, if the applicant has no resources to obtain the item, failure to provide the item will result in imminent danger to the applicant or his or her family or the removal of a child under the *Child, Family, and Community Service Act*.

Leaving aside whether the above conditions are met in the Appellant's case or not, section 57(3) specifically *excludes*:

- any supplement that is described in Schedule C; or
- any other health care goods or services.

For the purposes of this section, it is clear what items are described in Schedule C and, as noted above, counseling is *not* among those items.

However, “health care goods or services” is not a defined term in the legislation. Nevertheless, the panel finds that the Ministry’s determination that counseling is a “health care good or service” was reasonable, having regard to the nature of the clinical counseling that the Appellant is receiving and its purpose to maintain the Appellant’s mental health.

Finally, section 69 of the Regulation permits the Ministry to provide a health supplement set out in sections 2(1)(a) and (f) and section 3 of Schedule C to the Regulation to a person facing a direct and imminent life threatening need where the person is otherwise not eligible for a health supplement under the Regulation.

In this case, the Appellant is eligible for the health supplements referenced in section 69 of the Regulation and the reason that the Appellant is not receiving a supplement for the clinical counseling isn’t because she hasn’t met the eligibility criteria. The reason is that the counseling is not among those for which the Ministry has the authority to provide a supplement and, in any event, counseling does not fall within the categories of items described in sections 2(1)(a) and (f) and 3 of Schedule C to the Regulation. In other words, to be eligible under section 69, clinical counseling would have to be among those health supplements described in sections 2(1)(a) and (f) and 3 of Schedule C to the Regulation. As it is not and because the Appellant *is* otherwise eligible for health supplements, the panel finds that the Ministry was reasonable in its determination that the Appellant is not eligible for a supplement in respect of clinical counseling under section 69 of the Regulation.

Conclusion

While the panel notes that the clinical counseling appears to be beneficial for the Appellant and the Ministry also acknowledges that it is beneficial for the Appellant, the panel confirms the Reconsideration Decision as there is simply no legislative authority for the Ministry to provide a supplement in respect of clinical counseling and no discretion for the Ministry to provide a supplement in respect of any item not specifically referenced in Schedule C. The Appellant is not successful in the appeal.

Relevant Legislation

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*](#).
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.
- (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.
- (4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:
- (a) if for food, the maximum amount that may be provided in a calendar month is \$50 for each person in the family unit;
 - (b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of
 - (i) the family unit's actual shelter cost, and
 - (ii) the sum of
 - (A) the maximum set out in section 2 of Schedule A, the maximum set out in section 4 of Schedule A and any supplements provided under section 54.3 [*pre-natal shelter supplement*] or Division 7 [*Housing Stability Supplement*] of Part 5 of this regulation, or
 - (B) the maximum set out in Table 1 of Schedule D, the maximum set out in Table 2 of Schedule D and any supplements provided under section 54.3 or Division 7 of Part 5 of this regulation, as applicable, for a family unit that matches the family unit;
 - (c) if for clothing, the maximum amount that may be provided in the 12 calendar month period preceding the date of application for the crisis supplement is \$110 for each person in the family unit.
- (5) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]
- (7) Despite subsection (4) (b), a crisis supplement may be provided to or for a family unit for the following:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

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,
- (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.

Optical supplements

62.1 The minister may provide any health supplement set out in section 2.1 [*optical 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, 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.

Eye examination supplements

62.2 (1) Subject to subsections (2) and (3), the minister may provide a health supplement under section 2.2 [*eye examination 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, 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.

(2) A health supplement under subsection (1) may only be provided to or for a person once in any 24 calendar month period.

(3) A health supplement under subsection (1) may only be provided if payment for the service is not available under the [Medicare Protection Act](#).

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.

Crown and bridgework supplement

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, if the supplement is provided to or for a person in the family unit who is a person with disabilities, or
- (b) a family unit, if the supplement is provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) was, on the person's continuation date, a person with disabilities.

Denture supplement

63.2 (1) Subject to subsection (2), the minister may provide any health supplement set out in section 4.2 [*denture supplements*] of Schedule C to or for a family unit in receipt of hardship assistance.

- (2) A person is not eligible for a health supplement under subsection (1) unless
- (a) the person is not eligible for a supplement under section 63 [*dental supplements*], and
 - (b) the person has had tooth extractions that were performed in the last 6 months because of pain and resulted in the person requiring a full upper denture, a full lower denture or both.

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, 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.

Orthodontic supplement

65 (1) Subject to subsection (2), the minister may provide orthodontic supplements to or for

- (a) a family unit in receipt of disability assistance, if the orthodontic supplements are provided to or for a person in the family unit who is
 - (i) under 19 years of age, or
 - (ii) a person with disabilities, or

- (b) a family unit, if the orthodontic supplements are provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) meets any of the following criteria:
 - (A) the person is under 19 years of age;
 - (B) the person was, on the person's continuation date, a person with disabilities.

(2) For a person referred to in subsection (1) to be eligible for orthodontic supplements, the person's family unit must have no resources available to cover the cost of the orthodontic supplements and the person must

- (a) have severe skeletal dysplasia with jaw misalignment by 2 or more standard deviations, and
- (b) obtain prior authorization from the minister for the orthodontic supplements.

(2.1) and (2.2) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 5 (b).]

(3) Repealed. [B.C. Reg. 313/2007, s. 2 (e).]

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 (2) (b) [*people in special care*] of Schedule A.

(2) A person is not eligible to receive a supplement under subsection (1) unless

- (a) the person is not receiving another nutrition-related supplement, and
- (b) a medical practitioner, nurse practitioner or dietitian confirms in writing the need for the special diet.

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 (2) (b) [*people in special care*] of Schedule A, unless the person is in an alcohol or drug treatment centre,

if the minister is satisfied that

- (c) based on the information contained in the form required under subsection (1.1), the requirements set out in subsection (1.1) (a) to (d) are met in respect of the person with disabilities,
- (d) the person is not receiving another nutrition-related supplement,

(e) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 7 (c).]

(f) the person complies with any requirement of the minister under subsection (2), and

(g) the person's family unit does not have any resources available to pay the cost of or to obtain the items for which the supplement may be provided.

(1.1) In order for a person with disabilities to receive a nutritional supplement under this section, the minister must receive a request, in the form specified by the minister, completed by a medical practitioner, nurse practitioner or dietitian, in which the practitioner or dietitian has confirmed all of the following:

(a) the person with disabilities to whom the request relates is being treated by a medical practitioner or nurse practitioner for a chronic, progressive deterioration of health on account of a severe medical condition;

(b) as a direct result of the chronic, progressive deterioration of health, the person displays two or more of the following symptoms:

(i) malnutrition;

(ii) underweight status;

(iii) significant weight loss;

(iv) significant muscle mass loss;

(v) significant neurological degeneration;

(vi) significant deterioration of a vital organ;

(vii) moderate to severe immune suppression;

(c) for the purpose of alleviating a symptom referred to in paragraph (b), the person requires one or more of the items set out in section 7 of Schedule C and specified in the request;

(d) failure to obtain the items referred to in paragraph (c) will result in imminent danger to the person's life.

(2) In order to determine or confirm the need or continuing need of a person for whom a supplement is provided under subsection (1), the minister may at any time require that the person obtain an opinion from a medical practitioner, nurse practitioner or dietitian other than the medical practitioner, nurse practitioner or dietitian who completed the form referred to in subsection (1.1).

(3) Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 8.]

Nutritional supplement — short-term

67.001 The minister may provide a nutritional supplement for up to 3 months to or for a family unit in receipt of disability assistance or hardship assistance, if

(a) the supplement is provided to or for a person in the family unit who is not receiving another nutrition-related supplement, and

- (b) a medical practitioner, nurse practitioner or dietitian confirms in writing that the person has an acute short-term need for caloric supplementation to a regular dietary intake to prevent critical weight loss while recovering from
 - (i) surgery,
 - (ii) a severe injury,
 - (iii) a serious disease, or
 - (iv) side effects of medical treatment.

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 or hardship assistance, if the supplement is provided to or for a person in the family unit who is not described in section 8 (2) (b) [*people in special care*] of Schedule A, or
 - (b) a family unit, if the supplement is provided to or for a person in the family unit who
 - (i) is a continued person, and
 - (ii) was, on the person's continuation date, receiving the supplement.
- (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.

Infant formula supplement

- 67.1 The minister may provide the type of health supplement referred to in section 9 [*infant formula*] of Schedule C, in accordance with that section, to or for
- (a) a family unit in receipt of disability assistance, if the health supplement is provided to or for a dependent child in the family unit,
 - (b) a family unit in receipt of hardship assistance, if the health supplement is provided to or for a dependent child in the family unit, or
 - (c) a family unit, if the health supplement is provided to or for a dependent child in the family who is a continued person.

Natal supplement

- 68 (1) Subject to subsection (2), the minister may provide a natal supplement in accordance with section 8 [*natal supplement*] of Schedule C 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 is not described in section 8 (2) (b) [*people in special care*] of Schedule A.
- (2) A family unit is not eligible to receive a supplement under subsection (1) unless
- (a) a person in the family unit is pregnant, as confirmed in writing by a medical practitioner, a nurse practitioner or a midwife, or
 - (b) the family unit includes a dependent child who is 12 months of age or younger.

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).
- (2) For the purposes of subsection (1) (c),
- (a) "adjusted net income" has the same meaning as in section 7.6 of the Medical and Health Care Services Regulation, and
 - (b) a reference in section 7.6 of the Medical and Health Care Services Regulation to an "eligible person" is to be read as a reference to a person in the family unit, other than a dependent child.

Supplement for alcohol or drug treatment

- 70 (1) The minister may provide a supplement for the cost of treatment, counselling or related services for an alcohol or drug problem that is provided to a person in a family unit who is a recipient of disability assistance or hardship assistance or a dependent child of a recipient of disability assistance or hardship assistance, if

- (a) the minister considers that the recipient or dependent child needs the treatment, counselling or related services and there are no resources available to the family unit to cover the costs, and
- (b) the recipient or dependent child receives the minister's approval before incurring those costs.

(2) The amount of the supplement under this section is limited to a total of not more than \$500 for all treatment, counselling and related services provided to any one person over the previous 12 consecutive calendar months.

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.1) the following medical or surgical supplies that are, at the minister's discretion, either disposable or reusable, if the minister is satisfied that all the requirements described in paragraph (a) (ii) and (iii) are met in relation to the supplies:
 - (i) lancets;
 - (ii) needles and syringes;
 - (iii) ventilator supplies required for the essential operation or sterilization of a ventilator;
 - (iv) tracheostomy 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;
- (b) Repealed. [B.C. Reg. 236/2003, Sch. 2, s. 2 (b).]
- (c) subject to subsection (2), a service provided by a person described opposite that service in the following table, delivered in not more than 12 visits per calendar year,
 - (i) for which a medical practitioner or nurse practitioner has confirmed an acute need,
 - (ii) if the visits available under the Medical and Health Care Services Regulation, B.C. Reg. 426/97, for that calendar year have been provided and for which payment is not available under the *Medicare Protection Act*, and
 - (iii) for which there are no resources available to the family unit to cover the cost:

Item	Service	Provided by	Registered with
1	acupuncture	acupuncturist	College of Traditional Chinese Medicine under the <i>Health Professions Act</i>
2	chiropractic	chiropractor	College of Chiropractors of British Columbia under the <i>Health Professions Act</i>
3	massage therapy	massage therapist	College of Massage Therapists of British Columbia under the <i>Health Professions Act</i>
4	naturopathy	naturopath	College of Naturopathic Physicians of British Columbia under the <i>Health Professions Act</i>
5	non-surgical podiatry	podiatrist	College of Physicians and Surgeons of British Columbia under the <i>Health Professions Act</i>
6	physical therapy	physical therapist	College of Physical Therapists of British Columbia under the <i>Health Professions Act</i>

- (d) and (e) Repealed. [B.C. Reg. 75/2008, s. (a).]
- (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.

(g) Repealed. [B.C. Reg. 75/2008, s. (a).]

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

(2) No more than 12 visits per calendar year are payable by the minister under this section for any combination of physical therapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services.

(2.1) If eligible under subsection (1) (c) and subject to subsection (2), the amount of a general health supplement under section 62 of this regulation for physical therapy services, chiropractic services, massage therapy services, non-surgical podiatry services, naturopathy services and acupuncture services is \$23 for each visit.

(3) If the minister provided a benefit to or for a person under section 2 (3) of Schedule C of the Disability Benefits Program Regulation, B.C. Reg. 79/97, the Income Assistance Regulation, B.C. Reg. 75/97 or the Youth Works Regulation, B.C. Reg. 77/97, as applicable, for the month during which the regulation was repealed, the minister may continue to provide that benefit to or for that person as a supplement under this regulation on the same terms and conditions as previously until the earlier of the following dates:

(a) the date the conditions on which the minister paid the benefit are no longer met;

(b) the date the person ceases to receive disability assistance.

Optical supplements

2.1 The following are the optical supplements that may be provided under section 62.1 [*optical supplements*] of this regulation:

(a) basic eyewear and repairs;

(b) pre-authorized eyewear and repairs.

Eye examination supplements

2.2 The minister may pay a health supplement under section 62.2 [*eye examination supplements*] of this regulation for an eye examination that,

(a) if provided by an optometrist, is provided for a fee that does not exceed \$44.83, or

- (b) if provided by an ophthalmologist, is provided for a fee that does not exceed \$48.90.

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.
- (3) Subject to subsection (6), the minister may provide as a health supplement a replacement of medical equipment or a medical device, previously provided by the minister under this section, that is damaged, worn out or not functioning if
- (a) it is more economical to replace than to repair the medical equipment or device previously provided by the minister, and
 - (b) the period of time, if any, set out in sections 3.1 to 3.12 of this Schedule, as applicable, for the purposes of this paragraph, has passed.

(4) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was previously provided by the minister if it is more economical to repair the medical equipment or device than to replace it.

(5) Subject to subsection (6), the minister may provide as a health supplement repairs of medical equipment or a medical device that was not previously provided by the minister if

(a) at the time of the repairs the requirements in this section and sections 3.1 to 3.12 of this Schedule, as applicable, are met in respect of the medical equipment or device being repaired, and

(b) it is more economical to repair the medical equipment or device than to replace it.

(6) The minister may not provide a replacement of medical equipment or a medical device under subsection (3) or repairs of medical equipment or a medical device under subsection (4) or (5) if the minister considers that the medical equipment or device was damaged through misuse.

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.

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).]

(2) Dentures may be provided as a basic dental service only to a person

(a) who has never worn dentures, or

(b) whose dentures are more than 5 years old.

(3) The limits under subsection (1.1) may be exceeded by an amount necessary to provide dentures, taking into account the amount remaining to the person under those limits at the time the dentures are to be provided, if

(a) a person requires a full upper denture, a full lower denture or both because of extractions made in the previous 6 months to relieve pain,

(b) a person requires a partial denture to replace at least 3 contiguous missing teeth on the same arch, at least one of which was extracted in the previous 6 months to relieve pain, or

(c) a person who has been a recipient of disability assistance or income assistance for at least 2 years or a dependant of that person requires replacement dentures.

(4) Subsection (2) (b) does not apply with respect to a person described in subsection (3) (a) who has previously had a partial denture.

(5) The dental supplements that may be provided to a person described in subsection (3) (b), or to a person described in subsection (3) (c) who requires a partial denture, are limited to services under

- (a) fee numbers 52101 to 52402 in the Schedule of Fee Allowances — Dentist referred to in paragraph (a) of the definition "basic dental service" in section 1 of this Schedule, or
- (b) fee numbers 41610, 41612, 41620 and 41622 in the Schedule of Fee Allowances — Denturist referred to in paragraph (b) of the definition "basic dental service" in section 1 of this Schedule.

(6) The dental supplements that may be provided to a person described in subsection (3) (c) who requires the replacement of a full upper, a full lower denture or both are limited to services under

- (a) fee numbers 51101 and 51102 in the Schedule of Fee Allowances — Dentist referred to in paragraph (a) of the definition "basic dental service" in section 1 of this Schedule, or
- (b) fee numbers 31310, 31320 or 31330 in the Schedule of Fee Allowances — Denturist referred to in paragraph (b) of the definition "basic dental service" in section 1 of this Schedule.

(7) A reline or a rebase of dentures may be provided as a basic dental service only to a person who has not had a reline or rebase of dentures for at least 2 years.

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.

Denture supplements

4.2 The health supplements that may be provided under section 63.2 [*denture supplement*] of this regulation are denture services.

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.

Diet supplements

6 (1) The amount of a diet supplement that may be provided under section 66 [*diet supplements*] of this regulation is as follows:

- (a) \$15 for each calendar month for a person who requires a restricted sodium diet;
- (b) \$60 for each calendar month for a person who has diabetes;
- (c) \$50 for each calendar month for a person who requires kidney dialysis;
- (d) \$65 for each calendar month for a person who requires a high protein diet;
- (e) \$65 for each calendar month for a person who requires a gluten-free diet;
- (f) \$65 for each calendar month for a person who has dysphagia;
- (g) \$80 for each calendar month for a person who has cystic fibrosis;
- (h) \$65 for each calendar month for which a person requires a ketogenic diet;
- (i) \$65 for each calendar month for which a person requires a low phenylalanine diet.

(2) A diet supplement under subsection (1) (d) may only be provided if the diet is confirmed by a medical practitioner, nurse practitioner or dietitian as being necessary for one of the following medical conditions:

- (a) cancer that requires nutritional support during
 - (i) radiation therapy,
 - (ii) chemotherapy,
 - (iii) surgical therapy, or
 - (iv) ongoing medical treatment;
- (b) chronic inflammatory bowel disease;

- (c) Crohn's disease;
- (d) ulcerative colitis;
- (e) HIV positive diagnosis;
- (f) AIDS;
- (g) chronic bacterial infection;
- (h) tuberculosis;
- (i) hyperthyroidism;
- (j) osteoporosis;
- (k) hepatitis B;
- (l) hepatitis C.

(3) A person who is eligible for a supplement under subsection (1) (d) or (f) is also eligible for a \$50 payment towards the purchase of a blender.

(4) If a person has more than one of the medical conditions set out in subsection (1), the person may receive only the amount of the highest diet supplement for which the person is eligible.

Monthly nutritional supplement

7 The amount of a nutritional supplement that may be provided under section 67 [*nutritional supplement*] of this regulation is the sum of the amounts for those of the following items specified as required in the request under section 67 (1) (c):

- (a) for additional nutritional items that are part of a caloric supplementation to a regular dietary intake, up to \$180 each month;
- (b) Repealed. [B.C. Reg. 68/2010, s. 3 (b).]
- (c) for vitamins and minerals, up to \$45 each month.

Natal supplement

8 The amount of a natal supplement that may be provided under section 68 [*natal supplement*] of this regulation is

- (a) \$80 for each calendar month for a period set out in section 68 (2), or
- (b) \$160 for each calendar month for a period set out in section 68 (2) if the person
 - (i) is pregnant with more than one child, as confirmed in writing by a medical practitioner, a nurse practitioner or a midwife, or
 - (ii) gives birth to more than one child.

Infant formula

9 The minister may provide infant formula under section 67.1 of this regulation if

- (a) a medical practitioner, nurse practitioner, midwife or dietitian confirms in writing that

- (i) the dependent child for whom a specialized infant formula is to be provided has a medical condition and the specialized infant formula is necessary to treat the medical condition,
 - (ii) the dependent child for whom the infant formula is to be provided is at risk of contracting a disease that is transmissible through the breast milk of the dependent child's parent, or
 - (iii) the nutritional needs of the dependent child for whom the infant formula is to be provided cannot be met through the breast milk of the dependent child's parent,
- (b) in the case of a dependent child described by paragraph (a) (ii) or (iii), the dependent child is 12 months of age or younger, and
- (c) the minister is satisfied that the infant formula is medically required to treat the medical condition, respond to the risk or meet the nutritional need referred to in paragraph (a).

Alternative hearing assistance supplement

- 11 (1) In this section, "profound hearing loss" means a hearing loss of 91 decibels or greater across all frequencies tested in an audiological assessment.
- (2) The amount of a hearing supplement that may be provided under section 70.02 of this regulation is \$100 per calendar month to or for each person in a family unit to whom subsection (3) of this section applies.
- (3) The hearing supplement under subsection (2) may be provided by the minister only if
- (a) the minister is satisfied that the person
 - (i) has permanent profound hearing loss in both ears, and
 - (ii) cannot benefit significantly, in respect of speech comprehension, from a hearing instrument, and
 - (b) an audiologist or hearing instrument practitioner, within the previous 12 months, has
 - (i) performed an assessment that confirms the permanent profound hearing loss in both ears, and
 - (ii) provided an opinion that the person cannot benefit significantly, in respect of speech comprehension, from a hearing instrument.
- (4) The hearing supplement under subsection (2) may not be provided if a person received a hearing instrument under section 3.11 of this Schedule, or from another source, in the previous 36 months.
- (5) Despite subsection (4), the hearing supplement under subsection (2) may be provided to or for a person who received a hearing instrument in the previous 36 months if the person did not meet the requirements set out in subsection (3) on the date the person received the hearing instrument but subsequently meets the requirements in subsection (3).

2024-0313

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

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2024/September/10

Print Name

Linda Pierre

Signature of Member

Date (Year/Month/Day)

2024/September/10

Print Name

Sarah Bijl

Signature of Member

Date (Year/Month/Day)

2024/Sept/10