

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") Reconsideration Decision of September 9, 2024. In the Reconsideration Decision, the Ministry determined that the Appellant was not eligible for an automatic door opener.

The Ministry found that the request:

- Did not qualify under Schedule C or section 69 of the Employment and Assistance for People with Disabilities Regulation because an automatic door opener is not a health supplement included under Schedule C.

The Ministry is satisfied that it is not reasonable to consider an automatic door opener to be a health care good or service. Therefore, an automatic door opener can be considered for a crisis supplement under section 57(3) of the Regulation. However, it does not qualify under that section because:

- The Appellant has not presented an unexpected need or expense for an automatic door opener.
- Insufficient information has been submitted related to the Appellant's medical condition.
- No information has been provided to establish that the Appellant does not have resources to meet her need for an automatic door opener.

The Ministry is satisfied that failure to provide a crisis supplement for an automatic door opener will result in imminent danger to the Appellant's physical health as required by section 53(1)(b)(i) of the Regulation.

Appeal Number 2024-0382

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”), Sections 57 and 69, and Schedule C.

Relevant sections of the Regulation can be found in the Schedule of Legislation at the end of this document.

Part E – Summary of Facts

The Appellant requested a written hearing of this appeal, which took place on December 12, 2024.

Background

- The Appellant is designated a Person with Disabilities.
- She is a partial quadriplegic secondary to transverse myelitis.
- She lives on the ground floor of her parent's house.

Information before the Ministry at the time of reconsideration

- A facsimile dated June 20, 2024, sent by the Appellant's Occupational Therapist ("OT") containing
 - A Home Modification Request completed by the OT and dated June 20, 2024, stating:
 - The Appellant is currently in the hospital, awaiting home support services to be arranged so she can return home.
 - Recently, the Appellant's automatic door opener stopped working and was deemed to require replacement.
 - The Appellant required the automatic door opener to:
 - Maintain her independence entering and exiting her home in her power chair as she is unable to open or close any door manually.
 - Let her home support workers into her home, as she is bedbound in the morning until they arrive to get her into her power chair.
 - A Service Proposal from an equipment provider, dated May 5, 2024, to replace the automatic door opener at a total cost of \$1,960.35.
 - A Medical Equipment Request and Justification form,
 - Section 1 was completed by the Appellant and dated February 15, 2024.
 - Section 2 was not completed.
- A letter dated July 29, 2024, from a family physician (Dr. M) stating,

"I am writing to certify that (the Appellant) requires an automatic door opener due to complex and severe medical impairments including her paraplegia resulting from transverse myelitis."
- Request for Reconsideration, undated and unsigned
 - Under the Reasons for Request, the Appellant states:

- She has been quadriplegic since 1990.
- Care workers come to her four to five times a day. When they come, she must open the door with her automatic door opener. She cannot open the door herself.
- She cannot leave the house without the automatic door opener.
- She has many medical complications and has had to go to emergency many times. She needs the automatic door opener to let the paramedics in.
- She is also dependent on a range of support personnel: case workers, home care nurses, supervisor, case managers, care suppliers, etc.
- Her parents are old and have medical issues of their own which limit their ability to help.

Information submitted after the Reconsideration Decision

- Notice of Appeal, dated October 3, 2024.
 - In the Reasons for Appeal section, the Appellant reiterates the points raised in the Reasons for Reconsideration.
- Emailed submission from Appellant as part of Written Appeal process.
 - The Appellant reiterated the items already raised previously and added:
 - She is under lots of stress about the electric door opener and expressed how much she depends upon this device.
 - The stress is affecting her sleep and eating.
 - She is losing weight every day.
- Ministry's submission in response to Appellant's written submission. The Ministry states:

"The ministry's submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision."

Admissibility of New Evidence

The panel accepts and admits the written submission provided by the Appellant as evidence under section 22(4) of the Employment and Assistance Act, which allows for the admission of evidence reasonably required for a full and fair disclosure of all matters related to the decision under appeal. The Ministry had no objection to the admissibility of this evidence.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's Reconsideration Decision that the Appellant was not eligible for an automatic door opener was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

The Panel considered the Appellant's eligibility for an automatic door opener under three parts of the Regulations:

- Schedule C of the Regulation provides a list of all medical supplies or devices that can be provided by the Ministry. The Panel notes that this is an exhaustive list. That is, if an item requested does not fit with what is listed, the Ministry has no flexibility to provide the item.
- Section 59 of the Regulation defines the conditions that can be provided in the event a person is facing a direct and imminent life-threatening need.
- Section 57 of the Regulation defines the conditions under which a Crisis Supplement can be provided.

Panel Analysis

Schedule C of the Regulation, Sections 2 and 3

Section 2 of Schedule C of the Regulation

Ministry Position

The Ministry is not satisfied that an automatic door opener is a medical supply. Medical and surgical supplies are either disposable or reusable but will eventually need to be replaced. An automatic door opener is a permanent item intended to last for several years and would likely be repaired rather than disposed once it has been consumed. This does not fit in the category of a single or multi-use consumable supply. Therefore, the request does not fit this category of health supplements.

While the Appellant requires an automatic door opener to open the door for home support, and for mobility into and out of her home, it is not required for the purposes listed in Schedule C section 2(1)(a)(i). She does not require this item to *directly* complete wound care, ongoing bowel care, catheterization, incontinence, skin parasite care, or limb circulation care.

Appellant's Position

The Appellant requires the automatic door opener to maintain her independence entering and exiting her home in her power chair as she is unable to open or close any door manually. She is dependent on a range of support personnel: case workers, home care nurses, supervisor, case managers, care suppliers, etc. Care workers come to her four to five times a day. When they come, she must open the door with her automatic door opener.

Panel's Findings

Section 2 of Schedule C of the Regulations says, "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:"

Section 2(1)(a) and section 2(1)(a.1) of Schedule C of the Regulation provide for "medical or surgical supplies that are, at the minister's discretion, either **disposable or reusable...**" (emphasis added). Section 2(1)(a.2) of Schedule C of the Regulation provides "consumable medical supplies". In addition, each of these sections specifies the purpose for which the item must be used. The Panel finds that the use of an automatic door opener does not match the uses defined in any of these sections.

Section 2(1)(c) of Schedule C of the Regulation relates to the provision of acupuncture, massage therapy, chiropractic, naturopathy, non-surgical podiatry, and physical therapy services.

The Panel finds that an automatic door opener cannot reasonably be considered as disposable, reusable, consumable or a listed service.

Section 3 of Schedule C of the Regulation

Ministry Position

The ministry finds that an automatic door opener is not included in the list of medical equipment which may be provided. As an automatic door opener is not included in the list of medical equipment that may be provided by the Ministry, the Ministry does not have the authority to provide funding for this item.

Appellant's Position

The Appellant requires the automatic door opener to maintain her independence entering and exiting her home in her power chair as she is unable to open or close any door manually. She is dependent on a range of support personnel: case workers, home care nurses, supervisor, case managers, care suppliers, etc. Care workers come to her four to five times a day. When they come, she must open the door with her automatic door opener.

Panel's Findings

Section 3(1) of Schedule C of the Regulation says, "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"

Sections 3.1 through 3.12 of Schedule C of the Regulation provide for the following classes of medical devices: canes, crutches, and walkers; wheelchairs; wheelchair seating systems; scooters; toileting, transfers, and positioning aids; hospital bed; pressure relief mattresses; floor or ceiling lift devices; breathing devices; orthoses; hearing instruments; and non-conventional glucose meters.

After reviewing these sections, the Panel finds that the Ministry was reasonable in determining that an automatic door opener does not match any of these categories or the items permissible within each category. The Panel notes that the Appellant has not challenged this determination.

Schedule C of the Regulation, remaining sections

The remaining sections of Schedule C of the Regulation that provide health supplements are optical, eye examination, dental, denture, diet, nutritional, natal, infant, and hearing. There is no dispute that these sections are irrelevant to this hearing.

As the door opener does not fit within any of the categories of Schedule C of the Regulation, the Panel finds that the Ministry was reasonable in determining that the request for an automatic door opener was ineligible under Schedule C of the Regulation.

Section 69 of the Regulation

Section 69(1) of the Regulation provides for health supplements for persons facing a direct and imminent life-threatening need. The section says, "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...".

The Appellant has been designated as a Person with Disabilities and is in receipt of disability assistance. As such, she is eligible to receive health supplements under section 62 and Schedule C of the Regulation provided all other eligibility requirements are met.

Because the Panel has found that the automatic door opener is not a health supplement set out in section 2(1)(a) and (f) and 3 of Schedule C of the Regulation, and because the Appellant is eligible to receive health supplements under the Regulation, the Panel finds that the Appellant is not eligible under Section 69 of the Regulation and the Ministry's decision about the application of this section of the Regulation was reasonable.

Section 57 of the Regulation

Ministry Position

An automatic door opener is not described in the health supplements provided under Schedule C of the Regulation. Further, the Ministry finds it is not reasonable to consider an automatic door opener to be a health care good or service. Therefore, an automatic door opener can be considered for a crisis supplement under section 57(3) of the Regulation.

However, the Appellant has not presented an unexpected need or expense for an automatic door opener. In addition, insufficient information has been provided related to the Appellant's medical condition. Based on the information provided, the Ministry cannot establish an unexpected need for this item.

The Ministry is unable to establish that the Appellant does not have resources to meet the need for an automatic door opener, as no information has been provided.

The Ministry is satisfied that failure to provide a crisis supplement for an automatic door opener will result in imminent danger to the Appellant's physical health, as she will be in danger if she is unable to open the door herself.

Appellant's Position

The Appellant has been diagnosed with quadriplegia since 1990, and since then, she has been dependent on numerous devices, care workers, and other support workers. Her care workers come to assist her about four to five times daily, and when they arrive, she must use the electric door opener to let them in because she cannot open the door herself. They would leave without providing her care if they cannot come in. She is also unable to attend any medical appointments without the electric door opener as she cannot even leave her house without this help. She often needs to visit the emergency room, but without the electric door opener, she cannot let paramedics in to help her. Her doctor has certified that she has an urgent need for the automatic door opener to replace the one that stopped working recently.

Panel's Findings

Section 57 of the Regulation says:

"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 imminent danger to the physical health of any person in the family unit, ...

The only evidence provided pertaining to whether the need to replace the automatic door opener was unexpected is in the Home Modification Request completed by the OT. In the Home Modification Request the OT says, "Recently, the automatic door opener in her home stopped working and it was determined to need replacement." There is no evidence provided of the age of the system that broke down and whether its replacement could/should have been anticipated.

The OT and Dr. M have both indicated there is an urgent need for the Appellant to have an automatic door opener because of the Appellant's quadriplegia due to transverse

myelitis, and her reliance on home care workers. The OT has stated that the Appellant cannot use her upper extremities to open or close any doors and that the Appellant is bedbound until such time as her home care workers arrive in the morning to transfer her to her power chair. While medical condition is not part of the legislated criteria for providing a crisis supplement, the Ministry may use it to assure there is an actual need for the device requested. Based on the evidence from Dr. M and the OT, the Panel finds that the Ministry was not reasonable in determining that there was insufficient evidence pertaining to the Appellant's medical condition to establish the need.

No evidence was submitted before the Reconsideration Decision or in the subsequent submission from the Appellant pertaining to her financial situation. Therefore, the Panel finds there is no basis for determining whether the Appellant has the resources available to replace the automatic door opener.

There is no dispute that failure to obtain the automatic door opener necessary for access to the suite would result in an imminent danger to the physical health of the Appellant.

However, while the Panel finds the need for the automated door opener was sufficiently established, the Panel finds that the Ministry was reasonable in determining that there is insufficient evidence provided to determine whether the Appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and that there was also insufficient financial information provided to assess whether the Appellant had the resources to obtain the requested automatic door opener.

Summary

The Panel finds that the Ministry:

- Was reasonable in determining that the Appellant's request for an automatic door opener could not be satisfied under Schedule C of the Regulation, Health Supplements, or under Section 69 of the Regulation, Direct and Imminent Life-threatening Health Need.
- Was reasonable in determining that the Appellant's request could be addressed under Section 57 of the Regulation, Crisis Supplement.
- Was reasonable in determining that the following criteria for a Crisis Supplement were not met because there was insufficient information provided by the Appellant:

- The Appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed.
- The Appellant is unable to meet the expense or obtain the item because there are no resources available.
- Was not reasonable in determining there was insufficient information about the Appellant's medical condition to establish the need for the automatic door opener.

Conclusion

The Panel finds that the Ministry decision that the Appellant was not eligible for an automatic door opener is a reasonable interpretation of the existing legislation and is supported by the evidence.

The Panel confirms the Reconsideration Decision and the Appellant's appeal is unsuccessful.

SCHEDULE OF 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.

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.

Schedule C Health Supplements**Definitions**

1 In this Schedule:

...

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
	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).

10 Repealed. [B.C. Reg. 145/2015, Sch. 2, s. 16.]

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).

APPEAL NUMBER 2024-0382

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

Wes Nelson

Signature of Chair

Date (Year/Month/Day)

2024/12/16

Print Name

Linda Pierre

Signature of Member

Date (Year/Month/Day)

2024/12/16

Print Name

Mary Chell

Signature of Member

Date (Year/Month/Day)

2024/12/16