

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 June 24, 2025.

In the Reconsideration Decision, the Ministry determined that the Appellant was not eligible for a health supplement for medical transportation for the Appellant, his spouse, and two children to travel to another community for a number of appointments, including:

- a visit by the Appellant’s spouse to a dentist for a tooth extraction;
- for the Appellant and his spouse to pick up scooters; and
- to pick up eye wear for the entire family and parts for a hearing aid for the Appellant’s child.

The Ministry found that none of the purposes of the travel met the requirements set out in section 2(1)(f) of Schedule C to the Employment and Assistance for Person with Disabilities Regulation because the travel:

- was not required to attend the local office of a nurse practitioner or medical practitioner;
- was not required to go to the office of the nearest available specialist who is a medical practitioner recognized by the College of Physicians and Surgeons of British Columbia as a specialist in a field of medicine or surgery; and
- was not to attend the nearest suitable hospital or rehabilitation hospital to receive a benefit under the *Medicare Protection Act* or a hospital service under the *Hospital Insurance Act*.

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Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 266/2024 (the "Regulation")- section 62, Schedule C- sections 1 and 2(1)

Employment and Assistance Act (the "Act")- section 22(4)

Interpretation Act, R.S.B.C. 1996, c. 238- section 29

The full text of the above-noted legislation is set out at the end of Part F of this decision.

Part E – Summary of Facts

The hearing proceeded on July 28, 2025 by videoconference with the Appellant, the Appellant's spouse, and a representative of the Ministry all present.

Information before the Ministry at the time of the Reconsideration Decision

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

- a letter, dated March 21, 2025, from the dentist of the Appellant's spouse, setting out a treatment plan for extraction, with X-rays attached;
- an e-mail or text message from an emergency dental clinic outside of the Appellant's home community, reminding the Appellant's spouse of her appointment on May 27, 2025;
- a Request for Local or Non-Local Medical Transportation Assistance, completed by the Appellant's spouse's doctor on May 2, 2025, with an attached letter setting out that the Appellant's spouse required support for 4 people to travel to appointments outside of their home community between May 23, 2025 and May 30, 2025;
- a letter from the Appellant's spouse, dated May 5, 2025, from the Appellant's spouse seeking assistance with the family's planned travel; and
- the Appellant's Request for Reconsideration, dated June 9, 2025, which included:
 - a written record of the reasons why the Appellant and his spouse felt that they were entitled to a supplement for travel for the entire family outside of their home community to pick up the scooters, attend at a dental appointment for teeth extractions, pick up parts for the hearing aid, and to pick up eyeglasses and attend free eye examinations, including:
 - that the extractions of the Appellant's spouse's teeth were medically necessary and both the Appellant and their child also received dental treatments on the trip;
 - that the entire family is reliant on one another;
 - the scooters for the Appellant and his spouse are necessary and were not available in their home community;
 - a large number of medical reports, confirming the various health conditions of the Appellant, the Appellant's spouse, and the Appellant's two children, none of which were disputed by the Ministry;
 - various receipts related to the trip, including, but not limited to hotel invoices, payments for some of the items that the Appellant's family picked up, travel costs, and local transit fares incurred during the trip; and

- a letter from the Ministry confirming that the Appellant's spouse was approved for a supplement in respect of medical equipment (unspecified, but presumably for a scooter).

The Appellant's Notice of Appeal was filed on July 4, 2025 and did not set out reasons for the Appeal on the Notice of Appeal form, referring to a number of attached documents instead. Those documents included:

- a typed summary of the reasons for the appeal in which the Appellant stated, among other things:
 - that although they did not attend at a hospital or the offices of any physician, they did attend at the offices of other medical specialists;
 - that the criteria in the Regulation is overly narrow, as it excludes a number of other medical professionals, regulated by bodies other than the College of Physicians and Surgeons, including audiologists, dentists, and optometrists; and
- printouts from the Ministry's website, describing:
 - the Nursing Profession;
 - Medical Equipment & Devices;
 - Medical Transportation; and
 - Medical Equipment – Hearing Instruments.

The Appellant also submitted a letter, dated June 27, 2025, from the Appellant's spouse's doctor, confirming that she has lumbar spondilolistheses with low back pain and weakness in her legs and that scooter would help with her mobility. The letter also confirmed that she had multiple dental cavities that impacted her overall health, which has improved as a result of the extractions performed on the trip outside of the Appellant's family's home community.

The Hearing

Appellant

The Appellant stated that his spouse had run out of coverage with the dentist in their home community for the dental extractions. He also described her as having mobility issues like himself. The Appellant stated that his spouse's teeth needed to be extracted and that she had been trying to get extractions done for the past six years. The Appellant noted that his spouse's health improved immediately after the extractions were done and that her pain was gone. The Appellant stated that both he and his spouse had been approved for scooters and that the scooters needed to be picked up in another community as they were not available in his home community. The Appellant indicated that the family had initially planned to travel in July because they were unable to go in June due to their child's graduation. While away, the family also had

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vision tests done as they were needed and optometry services are not always available in their home community.

The Appellant stated that it is unfair that the scooter had been approved but not the cost to go pick it up. Both the Appellant and his spouse described their scooters as essential to their mobility. In the case of the Appellant, prior to obtaining his scooter, he was essentially a shut in. The Appellant advised that he and his family had no vehicle, requiring them to take the bus to pick up the scooters.

The Appellant stated that he doesn't remember being told that their trip had been denied by the Ministry. The Appellant also noted people living in poverty can't afford to travel and that imposing the cost of travel to pick up scooters on recipients of disability assistance does not serve the purpose of reducing poverty.

The Appellant stated that his spouse came along for the trip because, in addition to requiring the dental work, they support each other. The oldest child came along because that child couldn't be left alone.

The Appellant confirmed that a hardship supplement had been requested from the Ministry but was denied. The Appellant stated that the cost of the travel has resulted in the Appellant being unable to carry out much needed roof repairs and replacement of cabinets that are falling apart.

Ultimately, the Appellant states that the travel was necessary to enable the Appellant's family to get free eye exams, to pick up the scooters for the Appellant and his spouse, and to enable the Appellant's spouse to have her teeth extractions done. The Appellant is now mobile for the first time in a very long time and the Appellant's spouse also is free of the constant pain she endured prior to the extractions.

Ministry

While conceding that the travel appears to have been beneficial to the Appellant and his spouse, the Ministry stated that the travel does not meet the criteria under the legislation, which is extremely specific.

The Ministry pointed out that neither the Appellant nor the spouse traveled to the office of the nearest specialist or to the nearest hospital to pick up the scooters. Additionally, because the definition of specialist, under the Regulation, does not include dentists or optometrists, as neither are medical practitioners registered with the College of Physicians and Surgeons, travel for the Appellant's spouse's teeth to be extracted and for the family to have eye exams also doesn't satisfy the requirements of the Regulation. The Ministry did say that had the extractions

of the Appellant's spouse's teeth been carried out in a hospital, however, it might have been eligible for a supplement for travel.

With respect to the Appellant's roof, the Ministry noted that the Ministry does have the authority to consider a supplement for emergency repairs as a crisis supplement for shelter and that the Appellant may wish to make such a request. However, the Ministry did not indicate whether such a request would necessarily be granted by the Ministry, as the Appellant would still need to satisfy all the relevant legislative criteria for a crisis supplement.

Admissibility

As noted above, a large volume of information and documentation was provided by the Appellant prior to the hearing, starting with the typed written letter, dated July 4, 2025, which set out the reasons for the appeal. While much of this letter contained argument, there was nevertheless evidence conveyed in the letter about the purposes for the trip, the financial circumstances of the Appellant's family, the health histories of the family members, and the nature of the treatments obtained by the Appellant and the other family members. As such, the panel admits the handwritten letter as evidence that was not before the Ministry at reconsideration but which is reasonably required for a full and fair disclosure of all matters related to the reconsideration, pursuant to section 22(4) of the *Act*. The panel considers the remaining attachments from the Ministry's website part of the Appellant's argument.

The letter from the Appellant's spouse's doctor, dated June 27, 2025 addressed the specific diagnoses of the Appellant's spouse and confirmed the need for the extraction of her teeth. The letter also referenced the unavailability of that service in the Appellant's home community.

The information presented by the Ministry at the hearing was mostly argument. The Ministry also provided some advice to the Appellant about other available options to the Appellant in regards to dealing with financial issues arising from the cost of the family's travel but there was no new evidence presented by the Ministry at the hearing of the appeal.

The panel determines that the information from the Appellant, as described above, is sufficiently relevant that it is reasonably required for a full and fair disclosure of all matters related to the Reconsideration Decision and likewise admits it under section 22(4) of the *Act*.

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 supplement for travel for himself and his family members, because the purposes of the travel did not satisfy the requirements of section 2(1)(f) of Schedule C to the Regulation.

Positions of the Parties

The Appellant

The position of the Appellant is that the travel was necessary and warrants a supplement because:

- the scooters picked up by the Appellant and his spouse have been approved by the Ministry, even if picking them up does not fall within the criteria in section 2(1)(f) of Schedule C to the Regulation;
- the teeth extractions received by the Appellant’s spouse were performed by a dental specialist and could not have been performed by a specialist, as defined in section 2(1)(f) of Schedule C to the Regulation, a medical practitioner, or a nurse, practitioner; and
- the hearing aids for the Appellant’s child are also medically essential.

The Appellant also takes the position that the criteria for a supplement for medical travel in the Regulation is overly narrow for a number of reasons, including:

- scooters are a unique item that are often not available in smaller communities like the one in which the Appellant and his spouse reside; and
- it is unreasonable that dentists, optometrists, and audiologists are not considered specialists despite being governed by their own regulatory bodies, just as physicians are.

The Ministry

The position of the Ministry is that the legislation is specific about what travel is eligible for a supplement and that there is no discretion on the part of the Ministry to approve a supplement for travel that does not meet the criteria set out in section 2(1)(f) of Schedule C to the Regulation. In the case of the Appellant, the Ministry says that the travel was not for one of the purposes authorized in the legislation.

Panel Decision

The basic eligibility requirements for a health supplement are set out in section 62 of the Regulation. As the Appellant is in receipt of disability assistance, his family unit meets the basic eligibility requirement for a health supplement under section 2 of Schedule C to the Regulation.

Section 2(1) of Schedule C to the Regulation sets out the criteria for eligibility for health supplements generally and subsection (f) governs eligibility for supplements related to travel for medical reasons.

Under section 2(1)(f), to be eligible for a supplement for medical travel, the travel must be the least expensive appropriate mode of transportation and must be to attend one of the following locations:

- (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 they have 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.

There is nothing in the legislation that permits the Ministry to approve a supplement for travel if it does not meet at least one of the above requirements.

With respect to the first requirement, the travel in respect of which the Appellant is seeking a supplement was not to the office of a medical or nurse practitioner in the Appellant's local area. Firstly, the travel in respect of which the Appellant is seeking a supplement was to entirely different communities and not in the Appellant's local area. Moreover, none of the purposes for the travel involved a visit to the office of either a medical practitioner or nurse practitioner, as those terms are defined in the *Interpretation Act*.

In section 29 of the *Interpretation Act*, the term "medical practitioner" is defined to mean a registrant of the College of Physicians and Surgeons of British Columbia who is entitled, under the *Health Professions Act*, to practise medicine and to use the title "medical practitioner". The term "nurse practitioner" is defined to mean a person who is registered under the bylaws of the College of Registered Nurses of British Columbia to practise nursing as a nurse practitioner and to use the title "nurse practitioner".

In the Appellant's case, the purpose for the travel was to get eye exams done, to pick up scooters and hearing aid parts, and for the Appellant's spouse to have teeth extracted by a dentist. While, as noted by the Appellant, both dentists and optometrists, are health practitioners, they do not meet the legal definition of medical practitioners, which is set out in section 29 of the *Interpretation Act*. The effect of the above definitions is that when the Appellant and his spouse picked up their scooters and parts for their child's hearing aids, had eye exams done, or when the Appellant's spouse had her teeth extractions done, they did not attend at the offices of a medical practitioner or nurse practitioner. In the result, the panel finds that the Ministry reasonably determined that the Appellant is not eligible for a supplement for travel under section 2(1)(f)(i) of Schedule C to the Regulation.

Subsection (ii) of Section 2(1)(f) of Schedule C to the Regulation refers to travel to the nearest specialist as a result of a referral by local medical practitioner or nurse practitioner. The term "specialist" is defined in Schedule C of the Regulation itself and means "a medical practitioner recognized as a specialist in a field of medicine or surgery in accordance with the bylaws made by the board for the College of Physicians and Surgeons of British Columbia under section 19 (1) (k.3) and (k.4) of the *Health Professions Act*." Again, under this definition of "specialist", neither dentists nor optometrists qualify as specialists under Schedule C to the Regulation despite being, broadly speaking, health professionals.

In the result, neither the Appellant nor anyone else in the family unit attended at the office of the nearest available specialist in a field of medicine or surgery on the referral of a local medical practitioner or nurse practitioner. Consequently, the panel also finds that the Ministry reasonably determined that the Appellant is not eligible for a supplement for travel under section 2(1)(f)(ii) of Schedule C to the Regulation.

To be eligible for a supplement under subsections (iii) and (iv) of section 2(1)(f) of Schedule C to the Regulation, the travel in respect of which a supplement is sought must be, as noted above, to or from the nearest suitable general or rehabilitation hospital (iii) or the nearest suitable hospital, as those terms are defined by the Hospital Insurance Act Regulations and the *Hospital Insurance Act*, respectively. Again, none of the purposes of the Appellant's travel involved a visit to any type of hospital and the panel finds that the Ministry reasonably determined that the Appellant was not eligible for a supplement for travel under subsections (iii) or (iv) of section 2(1)(f) of Schedule C to the Regulation.

Although not raised in the hearing of the Appeal, the panel notes that, in the Reconsideration Decision, the Ministry also determined that none of the reasons for the travel are ones that would qualify for a benefit under the *Medicare Protection Act* or the *Hospital Insurance Act*, as per subsection (v) of section 2(1)(f) of Schedule C.

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Benefits under the Medicare Protection Act are set out in Part 4 of the Medical and Health Care Services Regulation and, of those, the only one of the reasons provided for the Appellant's travel with his family which may qualify for a benefit are eye exams, which are governed by section 23 of the Medical and Health Care Services Regulation. In this case, however, the evidence of the Appellant was that he and his family obtained free eye exams so the purpose of the travel would not have been to enable the Appellant or anyone in the family to receive a benefit under the *Medicare Protection Act*. In the result, the panel finds that the Ministry reasonably determined that the purpose of the Appellant's travel was not to enable the Appellant to receive a benefit under the *Medicare Protection Act*.

Benefits under the *Hospital Insurance Act* are governed by section 5 of the *Hospital Insurance Act*, which is reproduced at the end of this decision. In this case, none of the purposes for travel involved treatment at a hospital for any of the services described in section 5(1) of the Hospital Insurance Act and, as a result, the panel finds that the Ministry was reasonable in its determination that the Appellant's travel was not for the purpose of enabling the Appellant or anyone in the Appellant's family to receive services under the *Hospital Insurance Act*.

The Ministry concluded that the Appellant had no other resources available for the travel, as required by subsection (vi) of section 2(1)(f) of Schedule C.

While the Appellant submits that the Regulation is overly narrow, the panel notes that its discretion is limited to determining whether the Ministry was reasonable in its application of the legislation and not whether the legislation itself is reasonable, which is a matter for the provincial legislature.

Conclusion

As a result of the above, the panel finds that the Ministry was reasonable in its determination that the Appellant's request for a health supplement to cover the cost of transportation and accommodations for the Appellant and his spouse and children to pick up scooters for each of the Appellant and his spouse, hearing aid parts for his daughter, eyewear parts, and to attend a dental appointment for the Appellant's spouse did not meet the criteria set out in the legislation and the Ministry's decision was reasonably supported by the evidence. The panel confirms the Ministry's decision. The Appellant is not successful in this appeal

Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation

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 a dependent child, 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.

Schedule C

Health Supplements

Definitions

1 In this Schedule:

...

"specialist" means a medical practitioner recognized as a specialist in a field of medicine or surgery in accordance with the bylaws made by the board for the College of Physicians and Surgeons of British Columbia under section 19 (1) (k.3) and (k.4) of the *Health Professions Act*.

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:

...

- (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.

Interpretation Act

Expressions Defined

29 In an enactment:

...

"medical practitioner" means a registrant of the College of Physicians and Surgeons of British Columbia entitled under the *Health Professions Act* to practise medicine and to use the title "medical practitioner";

...

"nurse practitioner" means a person who is authorized under the bylaws of the College of Registered Nurses of British Columbia to practise nursing as a nurse practitioner and to use the title "nurse practitioner";

Hospital Insurance Act

Benefits

5 (1) Except as provided in subsection (2), the general hospital services provided under this Act are the following:

- (a) for beneficiaries requiring treatment for acute illness or injury, the public ward accommodation, necessary operating and case room facilities, diagnostic or therapeutic X-ray procedures, anesthetics, prescriptions, drugs, dressings, cast materials and other services prescribed by regulation;
- (b) for beneficiaries requiring active treatment for chronic illness or disability, the public ward accommodation, physiotherapy and occupational therapy, minor operating room and diagnostic X-ray services, prescriptions, drugs, dressings, cast materials and other services prescribed by regulation;
- (c) for beneficiaries requiring treatment or diagnostic services as outpatients, the outpatient treatment or diagnostic services prescribed by regulation.

(2) General hospital services under this Act do not include the following:

- (a) transportation to or from hospital;
- (b) services or treatment that the minister, or a person designated by the minister, determines, on a review of the medical evidence, the beneficiary does not require;
- (c) services or treatment for an illness or condition excluded by regulation of the Lieutenant Governor in Council;
- (d) laboratory services that are benefits within the meaning of the *Laboratory Services Act*.

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(3) For the purposes of subsection (1) (c), the regulations may authorize the minister to define categories of outpatient care and specify the treatment or diagnostic services to be provided for those categories.

(4) No person is entitled to receive any of the benefits under this Act unless

(a) it has been certified in the manner provided in the regulations that the person requires the services, and

(b) it is proved to the satisfaction of the minister that the person is a beneficiary.

(5) [Repealed 2002-16-5.]

(6) If a person does not obtain certification as provided in subsection (4), the person has no claim against the government for general hospital services provided to the person.

(7) Subject to the approval of the Lieutenant Governor in Council, the right of a beneficiary to receive the benefits under this Act may be made subject to the payment by or on behalf of the beneficiary of a portion of the cost of providing any treatment or services rendered to the beneficiary by a hospital, and the government must pay, on behalf of any person who is certified by the minister charged by order of the Lieutenant Governor in Council with the administration of the *Employment and Assistance Act* to be a person entitled to health services, a charge levied under this subsection against that person.

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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

Date (Year/Month/Day)

2025/08/05

Print Name

Mimi Chang

Signature of Member

Date (Year/Month/Day)

2025/08/04

Print Name

David Handelman

Date (Year/Month/Day)

2025/08/05