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 4, 2025. The Ministry found the Appellant was not eligible for off-the-shelf orthopaedic footwear.

Specifically, the Ministry found that the Appellant's request for off-the-shelf orthopaedic footwear did not meet all eligibility requirements set out in the Employment and Assistance for Persons with Disabilities Regulation, Schedule C; Sections 3 and 3.10. The Ministry was not able to determine that off-the-shelf orthopaedic footwear is the least expensive appropriate shoes to meet the Appellant's needs as set out in Schedule C, 3(1)(b)(iii) of the Employment and Assistance for Persons with Disabilities Regulation.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation ("the Regulation") Section 62 and Schedule C, Sections 3 and 3.10

Part E – Summary of Facts

An in-person hearing was held on October 8, 2025. The Appellant was represented by his mother ("the Appellant's Representative") and did not attend the hearing.

Background

The Appellant is designated as a person with disabilities (PWD) and receives disability assistance.

- On June 17, 2025, the Appellant submitted an Orthoses Request and Justification form.
    - The Appellant's doctor, a biochemical geneticist ("the Specialist") described the Appellant's rare medical condition and confirmed he needs a custom-made orthosis.
    - The Appellant's Pedorthist ("the Pedorthist") indicated the specifications of the orthoses required to meet the Appellant's high needs and confirmed the prescribed item is required to improve physical functioning that has been impaired by a neuro-musculo-skeletal condition.
    - The Pedorthist also stated the Appellant "*requires updated orthopaedic off the shelf footwear to accommodate new CFO (Custom Foot Orthotic).*"
    - On July 15, 2025, the Specialist confirmed the Appellant needs off-the-shelf orthopaedic footwear.
- On July 30, 2025, the Ministry approved funding for off-the-shelf accommodative footwear ($125.00), rather than off-the-shelf orthopaedic footwear ($250.00) on the basis that it was the least expensive appropriate medical device to meet the Appellant's needs.
- On August 13, 2025, the Appellant submitted a Request for Reconsideration of the denial of funding for off-the-shelf orthopaedic footwear.

Request for Reconsideration

The Appellant's Request for Reconsideration included a letter from the Appellant's Representative saying the Appellant should be approved for funding for off-the-shelf orthopaedic footwear as he meets all legal requirements. In support of this she notes:

- The Specialist confirmed their support for the Appellant's request for off-the-shelf orthopaedic footwear as required by the legislation.
- The Consultant contracted with the Ministry to provide advice on requests for orthosis would never have heard of the Appellant's condition. It is not appropriate

for the Consultant to say if the Appellant's diagnosis justifies off the shelf - orthopaedic footwear vs accommodative footwear when the Specialist has already said it is required.
- The Consultant's credentials are unknown and the Consultant has never met the Appellant, whereas the Pedorthist did an extensive examination of the Appellant and has recommended off-the-shelf orthopaedic shoes.
- There is nothing in the legislation that says off-the-shelf orthopaedic shoes are only necessary when the feet are swollen or a custom foot orthotic is particularly thick.

Reconsideration Decision

In order to approve a health supplement available under Schedule C, Sections 3(1) and 3.10 of the Regulation, all criteria must be met. The Ministry determined the Appellant's request for off-the-shelf orthopaedic footwear under Schedule C, Section 3.10(4.2) did not meet the requirement that it was the least expensive appropriate device to meet the Appellant's needs as set out in Schedule C, Section 3(1)(b)(iii) of the Regulation.

The Reconsideration Decision acknowledged the Specialist and Pedorthist said the Appellant requires footwear to accommodate his custom-made foot orthotics. However, the Ministry did not find supporting information that indicated why accommodative footwear would be unable to fit the custom foot orthotic, or that off-the-shelf orthopaedic footwear is necessary to treat the Appellant's medical condition. The Ministry found it could not establish that off-the-shelf orthopedic footwear was the *least expensive,* most appropriate option to meet the Appellant's needs. Accordingly, the Ministry confirmed the Appellant was eligible for funding for accommodative footwear under Schedule C, Section 3.10(4.1) of the Regulation, but not for off-the-shelf orthopedic footwear.

Included with the Reconsideration Decision was an undated Ministry evaluation of the Appellant's application for off-the-shelf orthopaedic shoes with the following content:
- The Ministry 's Adjudicator notes the diagnosis is not usually seen with requests for both custom foot orthotics as well as off-the-shelf orthopaedic footwear. The Adjudicator queries whether "the diagnoses support a $250 orthopaedic footwear vs $125 accommodative footwear?"
- The Ministry's Orthotist Consultant agrees with the Adjudicator in that there is no indication of significant swelling or the necessity of a particularly thick custom foot orthotic that would require the extra depth of off-the-shelf orthopaedic footwear. The Consultant recommended approval for funding of $125.00, that is the maximum amount set in Section 3.10(4.1)(b) for accommodative footwear.

- The Adjudicator recommended approval of this amount and faxed a purchase authorization to the service provider.

Appellant's Submission to the Tribunal

The Appellant's October 2025 submission to the Tribunal was prepared by the Appellant's Representative. The Appellant's Representative raised the following points in addition to those set out in the Request for Reconsideration:

- The Reconsideration Decision wrongly interpreted the legislation by concluding the "off-the-shelf orthopaedic footwear is not the least expense appropriate device (to meet the Appellant's needs) as set out in Section 3(1)(b)(iii) thus denying the request for off-the-shelf orthopaedic footwear."
- Schedule C, Section 3(1)(b)(iii) of the Regulation refers to all medical equipment and devices, listed in Section 3.10(1) except for those devices that have a maximum cost mandated under the Regulation (e.g., custom made foot orthotics, custom made footwear, accommodative footwear, or off-the-shelf orthopaedic footwear.)
- Section 3(1)(b)(iii) of the Regulation only applies to the other items where no maximum is set. For those items, the requirement that the medical equipment or device is the least expensive appropriate medical advice would apply.
- The Reconsideration Decision wrongly concludes "the Ministry is unable to establish that off-the-shelf orthopedic footwear is the least expensive most appropriate option".
- The evidence from the internet and other commentary that she provided the Adjudicator regarding the Appellant's rare metabolic disorder was ignored. This disorder causes hypotonia.
- The Appellant has required custom orthopaedic supports all of his life. Over the past year, he has experienced a great deal of pain in his feet, hence they sought the assistance of a Pedorthist.

Appellant Testimony at the Hearing

The Appellant's Representative read the letter from her Submission to the Tribunal aloud. She also drew the Panel's attention to the internet material regarding the Appellant's rare genetic disorder and its implications for dystonia in the extremities.

When asked by the Panel, the Appellant's Representative provided the following information:

- Her understanding is accommodative footwear, as opposed to off the shelf orthopaedic footwear, describes footwear that would be suitable for wearing an orthotic such as a running shoe.
- She did not seek additional information from the Appellant's Pedorthist regarding their recommendation for off-the-shelf orthopaedic footwear as opposed to accommodative footwear. Her belief was that the recommendation of the Pedorthist, confirmed by the Specialist, were all that was necessary. Both the Pedorthist and the Specialist provided their contact numbers to the Ministry adjudicator should the adjudicator have any questions.
- Prior to the Reconsideration Decision, the Ministry did not provide written reasons about why the Appellant was only offered funding for accommodative footwear. This is despite her making numerous attempts to reach the Adjudicator responsible for the Reconsideration Decision.
- The Appellant's Representative said there is nothing in legislation that authorizes the Ministry to require the Pedorthist and Specialist to provide additional information.
- This is the first time the Appellant's Representative has requested funding for shoes to accommodate the Appellant's orthotics. Previously, she was not aware this was an option.
- The Appellant continues to be in pain due to issues with his feet. The Appellant's Representative cannot move forward with securing the new custom foot orthotics until the issue regarding funding for accommodative footwear vs off-the-shelf orthopaedic footwear is resolved.

Ministry Representative Testimony at the Hearing

The Ministry Representative provided the following evidence:

- The Ministry Representative explained that for the Ministry to fund the off-the-shelf orthopaedic shoes, all of the legislated criteria must be met. In the Appellant's case, the Ministry found the request for funding met the criteria except for being the least expensive appropriate medical equipment or device as set out at Schedule C, Section 3(1)(b)(iii) of the Regulation.
- The unit responsible for reviewing requests for orthosis first checks for whether the request meets the legislative criteria. In this case the legally required information from the Specialist and the Pedorthist were in place.

- In addition to the legislation, the unit is guided by Ministry policy to ensure that decisions about what is funded and what is not are standardized across all adjudicators and all areas of the province.
- The unit has an Orthotist Consultant on contract to provide a professional assessment of funding requests for orthosis that are out of the ordinary.
- The Ministry receives a wide range of requests for orthosis and clients' needs stem from a wide range of health conditions. In some cases, clients' feet are so significantly deformed that it is impossible for them to fit into off-the-shelf footwear. In this case the request is for custom made shoes.
- In most cases, custom foot orthotics fit into shoes that are off-the-shelf accommodative footwear as would be the case for members of the general public who require orthotics. Assuming all other criteria are met, the Ministry provides funding for off-the-shelf accommodative footwear for $125.00.

When asked, the Ministry Representative provided greater detail about features of orthopaedic footwear:

- Off-the-shelf orthopaedic footwear tends to be larger than normal footwear. This footwear in and of itself provides a treatment component.
- The Ministry Representative commented on the order provided by the Pedorthist. In the case of the Appellant, the custom foot orthotic is what is providing the treatment, the Pedorthist's information did not indicate the off-the-shelf orthopaedic footwear is providing a treatment component to the Appellant's medical condition.

The Ministry Representative read aloud the Significant Clinical Observations of the Pedorthist

- *The Appellant presents with a metabolic disorder and planter foot pain. Nothing STJ and micro over pronation with excess internal tibial rotation, forefoot abduction and medial toe off. Custom foot orthotics will improve STB alignment, support MLA and transverse arches offloading, high pressure sites and strained soft tissues. Orthopedic footwear with a stiff heel counter, increased midsole cushion, stiffer wider forefoot rocker are required to accommodate CFO.*
- Footwear Recommendations provided by the Pedorthist include *replacing certain shoes and that the recommended shoes would include neutral support, good forefront rocker, stiff heel counter, stiff shank, increased cushioning, wide toe box*.
- The Ministry Representative commented that this type of recommendation for footwear is usually met with off-the-shelf accommodative footwear.

The Ministry Representative drew the Panel's attention to the document containing the undated Ministry evaluation of the Appellant's application for off-the-shelf orthopaedic shoes. She noted the Orthotist Consultant's review did not identify features of the Appellant's feet such as swelling or the prescribed orthotic requiring extra depth that would suggest off-the-shelf orthopaedic footwear is necessary.

The Ministry Representative noted Schedule C, Section 3.10(10) Table 2 of the Regulation sets out the replacement schedule for orthosis. The Representative noted that custom-made foot orthotics are intended to last 3 years, while shoes are only intended to last one year.

When asked, the Representative said the Ministry policy regarding foot orthotics is not on-line.

Admissibility of New Evidence

Neither party objected to the oral testimony provided by the other party at the hearing, nor did the Ministry object to the written submission provided by the Appellant. The Panel admits this evidence pursuant to Section 22(4) of the *Employment and Assistance Act* as it is "reasonably required for a full and fair disclosure of all matters related to the decision under appeal" criterion as specified by Section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's Reconsideration Decision to award funding for off-the-shelf accommodative footwear instead of off-the-shelf orthopaedic footwear was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

LEGISLATION:

General eligibility requirements for the provision of medical equipment and devices are set out in Schedule C; Section 3(1) of the Regulation which states:

> 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 the 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.

Eligibility criteria for the provision of orthosis are set out in Schedule C, Sections 3.10(1) to (12) of the Regulation. Section 3.10(2) of Schedule C of the Regulation, states an orthosis is a health supplement for purposes of section 3 of *Schedule C* 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-musculoskeletal condition, and
>
> (d) an orthosis is off-the-shelf unless

(i) a medical practitioner or nurse practitioner confirms that a custom-made orthotic is medically required, and
(ii) the custom-made orthosis is fitted by an orthotist, pedorthist, occupational therapist, physical therapist or podiatrist.

Ministry Position

The Ministry must ensure all the legislative criteria for funding an orthosis are met. In this case, the Appellant's request did not meet the requirement of "the medical equipment or device is the least expensive appropriate medical equipment or device." The documentation provided by the Pedorthist indicated that the custom foot orthotics could be accommodated with off-the-shelf accommodative footwear. Accordingly, the Ministry approved $125.00 for off-the-shelf accommodative footwear because it determined the application evidence did not establish a need for off-the-shelf orthopaedic footwear.

Appellant Position

The Appellant's Representative disagrees with the Ministry's decision to fund off-the-shelf accommodative footwear ($125.00) rather than off-the- shelf orthopaedic footwear ($250.00).

- The Appellant meets all the legislative criteria for approval for off-the-shelf orthopaedic footwear.
- The Ministry inappropriately applied the requirement that the medical device is the least expensive appropriate medical equipment or device as set out in Schedule C, Section 3(1)(b)(iii) of the Regulation. This requirement does not apply to orthosis for which a maximum amount of funding is set.
- There is no legal requirement for the Specialist or Pedorthist to provide an explanation of their recommendation. Despite this, they provided their contact information and the Ministry did not contact them for further information.
- The Orthotist Consultant never met the Appellant and has no knowledge of his rare condition. The Ministry ignored the recommendation of the Specialist who is best positioned to assess the Appellant's needs.
- Denying the Appellant off-the-shelf orthopaedic footwear is arbitrary, without merit and contravenes the legislation and regulations.

Panel Decision

It is the Panel's responsibility to determine whether the Ministry's Reconsideration Decision was a reasonable application of the legislation or was reasonably supported by the evidence.

In this case, the Ministry found the Appellant did not meet the criteria for a health supplement for off-the-shelf orthopaedic footwear as it is not the least expensive option to meet his medical needs as required by Schedule C, Section 3(1)(b)(iii) of the Regulation. The Appellant's Representative's reading of this section is that the requirement to be the least expensive option does not apply to those health supplements for which a maximum funding amount is set out. The Panel notes the fact that certain medical devices such as custom shoes, or custom foot orthotics have a set maximum for funding does not mean it is open to the Ministry to ignore the requirement that the least expensive appropriate medical device is what is to be funded. The requirement that the least expensive appropriate medical device, as set out in Schedule C, Section 3(1)(b)(iii) of the Regulation, is what is to be funded applies regardless of whether the funding for a specific item is capped. The Panel finds the Ministry was reasonable in applying this requirement to the Appellant's request.

The Panel then considered whether the Ministry was reasonable in finding that off-the-shelf orthopaedic footwear at Schedule C, Section 3.10(4.2) of the Regulation was not the least expensive appropriate medical device as required by Schedule C, Section 3(1)(b)(iii) of the Regulation. The Panel was advised orthosis requests are reviewed against Ministry policy, complemented by expert review, to ensure consistency when the Ministry assesses if the device requested is the least expensive appropriate medical device. The Panel finds the Ministry's practice of applying standards for determining whether medical equipment is the least expensive appropriate option as required by legislation, complemented by Orthotist Consultant review, to be reasonable.

The Panel notes the Ministry found the request for off-the-shelf orthopaedic footwear to accommodate the Appellant's specific orthotics was unusual. The Ministry's Orthotist Consultant noted the Pedorthist did not describe characteristics such as swelling in the feet or the need for unusually deep orthotics, which could justify the need for off-the-shelf orthopaedic shoes. Based on this, the Ministry found it did not have sufficient evidence to determine that the Appellant's custom foot orthotics required off-the-shelf orthopaedic shoes to be accommodated. Given that the Ministry reviewed the request against Ministry standards, and also checked with an expert in orthosis, the Panel is satisfied the Ministry

was reasonable in finding it had insufficient evidence to determine that off-the-shelf orthopaedic shoes were required. The Panel finds the Ministry's determination to offer funding for accommodative footwear, as the least expensive appropriate medical device, to be reasonable.

The Panel notes the Specialist confirmed off-the-shelf orthopaedic footwear were needed by the Appellant. It is not in question that the Appellant has a very serious and very rare genetic disorder, best managed by the Specialist. Instead, what is in question is whether the prescribed custom foot orthotic, when worn by the Appellant, would fit into an off-the-shelf accommodative shoe or requires an off-the-shelf orthopaedic shoe.

The Appellant's Representative also notes that there is no legislative requirement for the Specialist and the Pedorthist to provide an explanation of their recommendation, nor is there authority for the Ministry to require additional information. The Panel notes that it is the responsibility of the Ministry as the statutory decision maker for awarding health supplements to ensure all legal requirements are met and to assess whether the sought medical device meets the requirement of being least expensive. The duty to due diligence and fiscal responsibility is the foundation for the Ministry's authority to consider the sufficiency of the evidence and to refuse a request if the evidence is insufficient. The Panel therefore finds the Ministry was reasonable in determining that it did not have sufficient evidence to justify approving the off-the-shelf orthopaedic shoes.

Conclusion

Given the above findings, the Panel determined the Ministry was reasonable in finding the Appellant was eligible for funding for off-the-shelf accommodative footwear rather than off-the-shelf orthopaedic footwear, the former being the least expensive medical device. Accordingly, the Panel confirms the Ministry's Reconsideration Decision. The Appellant is unsuccessful on appeal.

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 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.

Schedule C

Health Supplements

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 — 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.

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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☐

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 Corrie Campbell	
Signature of Chair	Date (Year/Month/Day) 2025/10/15

Print Name Jan Broocke	
Signature of Member	Date (Year/Month/Day) 25/10/15
Print Name Janet Ward	
Signature of Member	Date (Year/Month/Day) 2025/10/15