

2025-0367

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision dated October 1, 2025. The ministry determined that under Section 62 of the Employment and Assistance for Persons with Disabilities Regulation, the Appellant was not eligible for a health supplement for InterDry Sheets.

The ministry denied the Appellant's request because they said the request does not meet the requirements set out in Sections 2(1)(a) of Schedule C of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, according to the ministry, the Appellant had not demonstrated that the InterDry Sheets are required for wound care, ongoing bowel care due to loss of muscle function, catheterization, incontinence, skin parasite care, or limb circulation care as required by Section 2 (1) (a) (i) of Schedule C of the Employment and Assistance for Persons with Disabilities Regulation. Further, the ministry found no evidence that the InterDry Sheets are not supplies or a food thickener under Sections 2 (1) (a.1) or 2 (1) (a.2) of the same.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the "Regulation"), Section 62 and Schedule C, Section 2 (1) (a) (i)

Employment and Assistance Act, Section 22(4)

The full wording of this legislation is set out in the Schedule of Legislation at the end of this decision.

Part E – Summary of Facts

The hearing was by written submission and took place on December 12, 2025.

Information at Ministry Reconsideration:

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

- On July 14, 2025, the ministry received a physician's prescription for InterDry Sheets stating:
 - 1 -Interdry sheets use daily in skin creases # 1 roll (30 days) RF 2;
 2. Abdominal binder.
- On September 2, 2025, the Appellant submitted her Request for Reconsideration. The request for an extension was approved until October 1, 2025.
- On September 29, 2025, the Appellant submitted the following additional information :
 - A two page, typed letter (undated) from her advocate noting, in part:
 - As a result of being seated 100% of the time, [the Appellant] faces ongoing challenges with skin integrity;
 - The skin folds in these areas are difficult for her to monitor or manage on her own and are highly susceptible to moisture buildup, friction, and bacterial or fungal overgrowth;
 - [The Appellant] remains at high risk of bacterial buildup, severe pain, recurring wounds which, if left untreated leads to an imminent danger of infections and risk of hospitalization;
 - Despite using preventative measures, [the Appellant] recently developed a serious skin infection;
 - [The Appellant] meets the criteria defined in the legislation for the medical supply of InterDry [Sheets];
 - The doctor has prescribed the InterDry Sheets—they are medically necessary and the need is ongoing;
 - The doctor's September 19, 2025 letter states:
 - The InterDry Sheets are used to treat and prevent wound care and parasite overgrowth;
 - [The InterDry Sheets] are the least expensive, most appropriate way to manage the difficult situation; and
 - An ongoing supply of the InterDry Sheets will avoid complications of open wounds and serious infections and possible hospitalization; and
 - A one page typed doctor's letter dated September 19, 2025 (summarized above).

New Evidence After Ministry Reconsideration

November 5, 2025—Notice of Appeal

Reasons for Appeal:

The Appellant stated she disagreed with the ministry decision because, "Interdry sheets used for wound care/will get dr's letter".

Prior to the Hearing

Appellant—November 28, 2025 Written Submission:

The Appellant submitted a two and half page letter from her advocate and a one page doctor's letter to the Tribunal in advance of the hearing. Although not replicated here in full, the panel has reviewed both in their entirety. The Appellant said she disagreed with the ministry decision for several reasons, including:

- The updated doctor's letter states:
 - "...friction and moisture build up which have now led to open wounds and possible parasitic/bacterial overgrowth";
 - "[the Appellant] is 'prescribed InterDry sheets for direct treatment of this wound beneath her abdomen and ongoing'";
 - "...it is ridiculous to have to wait until painful wounds occur to allow for coverage of this necessary medical supply";
 - "InterDry sheets are the only medical supply that proved [sic] effective way in treating her skin";
- She has currently been experiencing open wounds beneath her abdomen;
- Untreated wounds would lead to imminent danger of infections and risk of hospitalization; and
- She has met the eligibility criteria of the Regulation for InterDry Sheets.

Ministry—December 4, 2025 Written Submission:

The ministry submitted an email to the Tribunal and wrote, "The ministry notes that the appellant requires the requested medical supplies for wound care, as wounds have formed due to not having these supplies. Therefore, had the ministry had this information at the time of reconsideration, a different decision may have been reached".

Admissibility of New Evidence

2025-0367

Section 22(4) of the *Employment and Assistance Act* says that a panel can consider evidence that is not part of the record when the ministry made its Reconsideration Decision if the evidence provided is reasonably required for the full and fair disclosure of all matters in an appeal.

Neither party objected to the other's submission.

The Appellant's written submission provides further clarification of her need for InterDry Sheets and the consequences of not having the medical supply for personal skin care. As such, the panel finds that the additional evidence provided by the Appellant is reasonably required for the full and fair disclosure of all matters in the appeal. Therefore, the panel finds that the additional evidence is admissible under the *Employment and Assistance Act* section 22(4).

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision was reasonable when it determined that the Appellant was not eligible for a health supplement for InterDry Sheets. Specifically, the ministry determined that the Appellant's request did not meet the requirements of Schedule C, sections 2 (1) (a) (i) of the Regulation. According to the ministry, the InterDry Sheets were not required by the Appellant for wound care, ongoing bowel care required due to loss of muscle function, catheterization, incontinence, skin parasite care, or limb circulation care because, "[the] medical practitioner has not provided any information to indicate these supplies are required for treatment of any current wound."

Position of the Appellant

From the Appellant's view, she has submitted sufficient evidence of the need for the InterDry Sheets and the risks of not having the needed medical supply. Indeed, due to the denial of the InterDry Sheets, she has now developed wounds beneath her abdomen that require treatment. Further, as the Appellant has met all the requirements of the Regulation, her request for InterDry Sheets should not be refused.

Position of the Ministry

The ministry's position is that had it had the information at reconsideration that the requested medical supplies are required for wound care because, "wounds have formed due to not having these supplies", a different decision may have been made.

Analysis

The panel notes that the ministry has acknowledged in the Reconsideration Decision that all the basic eligibility requirements set out in section 62 of the Regulation have been met, so that is not an issue in this appeal.

At the time of her original application and at reconsideration, the Appellant's advocate and physician emphasized that the InterDry Sheets were required, "to manage chronic moisture and protect her skin...which could lead to open wounds and parasite overgrowth...The open wounds can be [sic] source of serious infections which could occur...To avoid these complications and possible hospitalization...".

According to the ministry, the Appellant's request including the doctor's September 19, 2025 letter did not reflect that the supplies were needed for the care of existing wounds, as, it determined, is required by the legislation. As a result, the request was denied.

It is clear to the panel that the September 19, 2025 request for InterDry Sheets is about protecting the current state of the Appellant's skin and to avoid issues developing; in this letter there is no mention of evident or pending wound issues for the Appellant. However, in the November 20, 2025 letter, the doctor clearly states that the InterDry Sheets are for wound care. The doctor writes, "I prescribed InterDry sheets for direct treatment of this wound beneath her abdomen and ongoing...". The doctor's letter also notes, "Due to not having the InterDry sheets she developed wounds beneath her abdomen." As noted above, the panel has admitted the new evidence in the November 20, 2025 letter, as permitted under section 22 (4) of the *Employment and Assistance Act*, and assigns it full weight, as it represents the opinion of the medical practitioner who prescribed the treatment

The panel is sympathetic to the Appellant's situation and unfortunate outcome that a wound developed without her having the InterDry Sheets. Although the September 19, 2025 letter was not explicit, the doctor's November 20, 2025 statement that InterDry Sheets had been "prescribed" (emphasis added) for a wound suggests some evidence of skin breakdown and wound development may have been present previously, but simply not clearly described by the doctor as such. It is not lost on the panel that the ministry could have taken the opportunity to ask more questions of the physician about the Appellant's wound risk and status upon her original application or at reconsideration.

In any event, according to Schedule C, Sections 2 (1) (a) (i) of the Regulation, a health supplement may be paid for by the minister if, "the supplies are required for one of the following purposes: (A) wound care...". Given the Appellant's November 20, 2025 updated doctor's letter clearly stating that InterDry Sheets are for wound(s) treatment, the panel finds that the ministry was not reasonable when it decided that the Appellant was not eligible to receive InterDry Sheets.

Finally, the panel notes the ministry's comments at reconsideration regarding additional determinations of eligibility for a supplement under Schedule C, Sections 2(1) (a.1) and (a.2) of the Regulation. In particular, the ministry comments that the request is not eligible to be covered as lancets, needles and syringes, ventilator supplies, tracheostomy supplies, or as a food thickener. However, given the determination under Schedule C, Sections 2 (1) (a) above, the

2025-0367

panel finds that further determinations per Schedule C, Sections 2 (1) (a.1) and (a.2) of the Regulation do not need to be addressed.

Conclusion

Consistent with the Regulation, the panel finds that the Appellant is eligible for a health supplement for InterDry Sheets for wound care.

The panel rescinds the ministry's decision as it was not reasonably supported by the evidence in the circumstances of the Appellant. The Appellant is successful with her 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 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.

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:

2025-0367

- (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; ...

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

EMPLOYMENT AND ASSISTANCE ACT

Panels of the tribunal to conduct appeals

22 ...

(4)A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

APPEAL NUMBER 2025-0367

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

Carmen Pickering

Signature of Chair

Date (Year/Month/Day)

2025/12/15

Print Name

Mary Chell

Signature of Member

Date (Year/Month/Day)

2025/12/15

Print Name

Simon Clews

Signature of Member

Date (Year/Month/Day)

2025/12/15