

**Part C – Decision Under Appeal**

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction ("Ministry") dated October 1, 2025, in which the Ministry determined that the Appellant was not eligible for an optical supplement for her child under section 72 and Schedule C, sections 1 and 7 of the Employment and Assistance Regulation.

The Ministry acknowledged that the Appellant's child had active coverage under the Healthy Kids Program, and therefore was eligible for basic eyewear and repairs, and pre-authorized eyewear and repairs under Schedule C, section 7. However, the Ministry determined that the request did not meet the requirements for a supplement for "basic eyewear and repairs" as defined in Schedule C, section 1 because:

- The Appellant did not provide a prescription for the glasses;
- The glasses were intended for eye protection, not vision correction; and
- The child did not need new lenses because of a change in refractive status.

The Ministry determined that the request did not meet the requirements for a supplement for "pre-authorized eyewear and repairs" as defined in Schedule C, section 1 because:

- The Appellant was not asking for specialized lens add-ons; and
- The Appellant did not have pre-authorization from the Ministry to buy the glasses.

**Part D – Relevant Legislation**

Employment and Assistance Regulation ("Regulation"), sections 72 and 79; Schedule C, section 1, definition of "basic eyewear and repairs" and "pre-authorized eyewear and repairs", and section 7

*Employment and Assistance Act ("Act")*, section 22(4)

The full text of this legislation is in the Schedule of Legislation at the end of the Reasons for Panel Decision.

**Part E – Summary of Facts**

The appeal took place as a written hearing.

**Evidence Before the Ministry at Reconsideration**

The Appellant's child is eligible for the Healthy Kids Program. The child had one eye removed as an infant, due to retinoblastoma. A doctor recommends that the child wear glasses with a protective, shatter-proof lens and bendable frames, to safeguard the vision in the child's other eye. The Appellant bought the glasses for the child in 2022, at a cost of \$347.00, but the lenses are scratched badly and need to be replaced.

The Appellant applied for coverage through Pacific Blue Cross for the first set of glasses in September 2022 under the Healthy Kids Program but was refused because the Appellant did not have a prescription. In 2025, the Appellant applied through Pacific Blue Cross for pre-determination of coverage for replacement lenses, but as she did not have a response from Pacific Blue Cross yet, and the child's need was urgent, the Appellant bought the replacement lenses on April 1, 2025, at a cost of \$260.00. On April 15, 2025, the Appellant sent the Ministry an email, asking for coverage for the replacement lenses, but was denied again because the lenses did not have a corrective prescription.

**Additional Evidence After Reconsideration:**

The Appellant provided:

- A prescription from a general practitioner dated October 18, 2022, stating:  
     "OD plano  
     OS plano  
     Monocular patient, for protection of single eye  
     Shatterproof, bendable arms"
- Consultation Report dated June 21, 2017, confirming diagnosis of retinoblastoma and treatment plan to remove the left eye
- Invoice from an optometrist dated December 9, 2022, for:
  - Frame, Nano - \$169.00
  - Scratch resistant – no charge
  - Single vision, Hoya eOrder, SV, 1.53 Phoenix, Clear COT - \$89.00 each, total \$178.00
- Invoice from an optometrist dated April 1, 2025, for:
  - 2 scratch resistant – no charge
  - 2 single vision, EMG SV, 1.53 Phoenix Clear, Clear HCS - \$130 each, total \$260.00
- Appellant's written submission, also including argument, stating:

- The child lost her right eye due to retinoblastoma when she was three months old and relies on her right eye for vision.
- The specialist has told them that protective, impact-resistant eyewear is essential to preserve the child's remaining vision and prevent total blindness.
- Without the glasses, the risk of injury to the child's right eye increases significantly.
- The American Academy of Ophthalmology and the Canadian Ophthalmological Society strongly advise that people with monocular vision wear polycarbonate protective eyewear at all times, to prevent irreversible blindness.
- "[The Appellant has] paid for the replacement lenses out of necessity, despite significant financial burden, because the scratched lenses were impairing [the child's] vision and putting her at risk."

### **Admissibility of Additional Evidence**

The Ministry did not object to the additional evidence submitted by the Appellant. I find that the additional evidence is reasonably required for determination of the issues on appeal. Therefore, I find that the additional evidence is admissible under section 22(4) of the *Employment and Assistance Act*.

**Part F – Reasons for Panel Decision**

The issue on appeal is whether the Ministry's Reconsideration Decision, denying an optical supplement for the Appellant's child under section 72 and Schedule C, sections 1 and 7 of the Regulation, is reasonable.

The Ministry acknowledged that the Appellant's child had active coverage under the Healthy Kids Program and therefore was eligible for "basic eyewear and repairs", and "pre-authorized eyewear and repairs" under Schedule C, section 7. However, the Ministry determined that the Appellant's request did not meet the legislated requirements for those supplements, for the reasons set out below under "Ministry's Position".

**Appellant's Position**

The Appellant submits that the child's glasses are a medically necessary optical device, not a general safety item as the Ministry maintained in the Reconsideration Decision. The Appellant maintains that the glasses are necessary to preserve the child's remaining vision, and in the child's unique circumstances, the glasses should be eligible for an optical supplement even though they do not require a prescription for vision correction.

The Appellant asks the Ministry to consider reimbursement for both the original glasses bought in 2022 and the replacement lenses bought in 2025. The Appellant also asks that the decision be reconsidered on compassionate grounds.

**Ministry's Position**

At reconsideration, the Ministry maintained that the Appellant's request did not meet the requirements for a supplement for "basic eyewear and repairs" as defined under Schedule C, section 1 of the Regulation because:

- the Appellant had not provided a prescription for the glasses;
- the child did not need glasses with single vision or bifocal lenses because they were intended for eye protection rather than for vision correction; and
- the child did not need the lenses because of a change in refractive status in the eye.

The Ministry submitted that the Appellant's request did not meet the requirements for a supplement for "pre-authorized eyewear and repairs" as defined under Schedule C, section 1 of the Regulation because:

- "pre-authorized eyewear" is intended to cover specialized lens add-ons for single vision and bifocal lenses as set out in the Ministry's Schedule of Fee Allowances for Optical Supplements;

- the Appellant was asking for eyewear for eye protection, not a form of specialized lens add-ons; and
- the Appellant did not have pre-authorization from the Ministry before buying the glasses.

On appeal, the Ministry indicated that it had reviewed the Appellant's additional evidence and relied on its position in the Reconsideration Decision.

### **Panel Decision**

The Appellant's child lost her left eye when she was three months old, due to retinoblastoma. To safeguard the vision in her right eye, doctors recommend that the child should always wear glasses with shatterproof lenses and bendable frames.

The Appellant's child is eligible for coverage under the Healthy Kids Program, which includes an optical supplement for "basic eyewear and repairs" or "pre-authorized eyewear and repairs" under section 7 of Schedule C of the Regulation.

As defined in Schedule C, section 1, both "basic eyewear and repairs" and "pre-authorized eyewear and repairs" must be provided by an optometrist, ophthalmologist or optician to be eligible for the optical supplement. The Appellant's request meets that requirement, as both the glasses and the replacement lenses have been provided by an optometrist. Then, for a child who has a new prescription, the Ministry may provide "one pair of eye glasses per year consisting of the least expensive appropriate single vision or bifocal lenses and frames". The Ministry may also provide "new lenses at any time if an optometrist, ophthalmologist or optician confirms a change in refractive status in either eye."

In September 2022, the Appellant applied through Pacific Blue Cross for coverage for a pair of glasses that met the doctor's recommendation. The Appellant says that Pacific Blue Cross refused the request because the Appellant did not provide a prescription for the glasses. On appeal, the Appellant has provided a prescription from a doctor dated October 18, 2022. The prescription specifies that the lenses are "plano" and does not indicate a corrective refraction. The Appellant has not said when or if she ever provided this prescription to Pacific Blue Cross or the Ministry. It is not clear to me whether the request was denied because the Appellant did not submit this prescription with her request for coverage for the first pair of glasses, or because the prescription does not include vision correction.

When coverage was denied, the Appellant bought the glasses on December 9, 2022. By 2025, the lenses were badly scratched and needed to be replaced. The Appellant bought the replacement lenses for the glasses, provided by an optometrist, on April 1, 2025. On April 15,

2025 the Appellant sent an email to the Ministry, asking for reimbursement. The Appellant also asked the Ministry to consider reimbursement for the first pair of glasses bought in 2022.

The issue is whether the Appellant's request for reimbursement meets the requirements for optical supplements under Schedule C, sections 1 and 7 of the Regulation.

#### *Replacement Lenses Bought in 2025:*

#### Eligibility as Basic Eyewear and Repairs

The child does not have a new prescription in 2025. As there is no new prescription in 2025, I find that the request for new lenses in 2025 does not meet the requirements under subsection (a)(i) of the definition of "basic eyewear and repairs", which permits the supplement for one pair of eyeglasses per year "for a child who has a new prescription," under sections 1 and 7 of Schedule C of the Regulation. I also note that, while the Appellant has produced a prescription written in October 2022, there is no evidence about whether a prescription is needed for shatterproof lenses that do not include vision correction.

Under subsection (c)(i) of the definition of "basic eyewear and repairs" in section 1 of Schedule C, the Ministry may provide "new lenses at any time if an optometrist, ophthalmologist or optician confirms a change in refractive status in either eye." There has been no confirmation of a change in refractive status of the eye, and therefore the Ministry is not authorized to provide an optical supplement for new lenses under sub-section(c)(i) of the definition.

As the Ministry is not authorized to provide the new lenses as "basic eyewear and repairs", it is not necessary for me to make a finding about whether lenses that do not correct vision are "single vision lenses" under the definition of "basic eyewear and repairs" in section 1 of Schedule C.

#### Eligibility as Pre-authorized Eyewear and Repairs

Under Schedule C, section 7 of the Regulation the Ministry may provide "pre-authorized eyewear and repairs", as defined in Schedule C, section 1 of the Regulation. The definition states:

"Pre-authorized eyewear and repairs" means eyewear and repairs provided by an optometrist, ophthalmologist or optician and for which pre-authorization is given by the minister, but does not include basic eyewear and repairs.

The Ministry refers to its Fee Schedule for Optical Supplements as setting limits on items that may be provided as "pre-authorized eyewear and repairs" and says that "the intention is that pre-authorized eyewear includes specialized lens add-ons...for single-vision and bifocal glasses

as set out in the Schedule of Fee Allowances....” However, I find that there is no basis in the legislation for the limited intention stated by the Ministry.

I also find that the child’s glasses are eyewear provided by an optometrist, even though the glasses do not include vision correction. The definition of “pre-authorized eyewear and repairs” in the legislation does not include any additional requirements for the eyewear provided under that sub-section, except that it must not be an item covered under “basic eyewear and repairs”.

I make no finding about whether the eyewear the Appellant bought in 2022 would have met the definition of “basic eyewear” under the legislation. However, if the lenses were not covered under “basic eyewear”, the Appellant needed, and did not have, prior approval from the Ministry to buy the replacement lenses in 2025. Therefore, I find that the Appellant is not eligible for the optical supplement as “pre-authorized eyewear and repairs” because the Appellant did not have authorization from the Ministry before she bought the replacement lenses.

### Discretionary Consideration

The Appellant asked the Ministry to consider providing the optical supplement on compassionate grounds, as the Appellant maintains that the eyewear is medically essential for the child and it was financially burdensome for the Appellant to buy the eyewear herself. I note that the Ministry does not have discretion under the legislation to provide the optical supplement if the request does not meet the requirements under Schedule C, sections 1 and 7 of the Regulation.

### Glasses Bought in 2022:

At reconsideration and on appeal, the Appellant has asked the Ministry to reimburse both the cost of the glasses she bought in 2022 and the replacement lenses in 2025. I note that, under section 79(2) of the Regulation a person who wishes the Ministry to reconsider a decision must deliver a Request for Reconsideration within twenty days of being notified of the decision. The Appellant acknowledges that she was notified by Pacific Blue Cross in 2022 that coverage for the eyewear was denied because she did not provide a prescription, and there is no evidence that the Appellant delivered a Request for Reconsideration within twenty days of being notified of the denial. Therefore, while the Reconsideration Decision does not specifically address the Appellant’s request for reimbursement of the cost of the original glasses in 2022, I also note that the legislation sets a time limit for asking for reconsideration, which the Appellant did not meet. Therefore, I find it is reasonable for the Ministry to address only the request for reimbursement of the cost of replacement lenses in 2025 in its Reconsideration Decision.

### **Conclusion**



I find that the Ministry's Reconsideration Decision, in which the Ministry determined that the Appellant was not eligible for an optical supplement for replacement lenses for her child's eyewear, is a reasonable application of the legislation in the Appellant's circumstances. I confirm the Reconsideration Decision. The Appellant is not successful in the appeal.

## Schedule of Legislation

### Employment and Assistance Regulation

#### Dental and optical supplements — healthy kids program

**s. 72** The minister may provide a health supplement in accordance with section 7 [*dental and optical services — healthy kids program*] of Schedule C to or for a family unit if the supplement is provided to or for a person in the family unit who is under 19 years of age and who is not eligible to receive the supplement under another provision of this Division or under Division 4 [*Health Supplements*] of Part 5 of the Employment and Assistance for Persons with Disabilities Regulation.

#### How a request to reconsider a decision is made

**s. 79** (1) A person who wishes the minister to reconsider a decision referred to in section 17 (1) of the Act must make a request for reconsideration in the form specified by the minister.

(2) A request under subsection (1) must be received by the minister within 20 business days after the date the person is notified of the decision referred to in section 17 (1) of the Act.

(3) Despite subsection (2), the minister may extend the time limit set out in that subsection if the minister is satisfied that special circumstances exist.

## Schedule C

### Health Supplements

#### Definitions

**s. 1** In this Schedule:

**"basic eyewear and repairs"** means any of the following items that are provided by an optometrist, ophthalmologist or optician:

- (a) for a child who has a new prescription, one pair of eye glasses per year consisting of the least expensive appropriate
  - (i) single-vision or bifocal lenses, and
  - (ii) frames;
- (b) for any other person who has a new prescription, one pair of eye glasses every 3 years consisting of the least expensive appropriate
  - (i) single-vision or bifocal lenses, and
  - (ii) frames;
- (c) for a child or other person,
  - (i) new lenses at any time if an optometrist, ophthalmologist or optician confirms a change in refractive status in either eye,

- (ii) a case for new eye glasses or lenses, and
- (iii) necessary repairs to lenses or frames that come within this definition;

**"pre-authorized eyewear and repairs"** means eyewear and repairs provided by an optometrist, ophthalmologist or optician and for which pre-authorization is given by the minister, but does not include basic eyewear and repairs.

#### Dental and optical services — healthy kids program

- s. 7** (1) In this section, **"period"** means a 2 year period beginning on January 1, 2017, and on each subsequent January 1 in an odd numbered year.
- (2) Subject to the following limits, the minister may pay under section 72 [*dental and optical supplements — healthy kids*] of this regulation for the following health care services for a person in the family unit who is under 19 years of age and who, when the service was provided, was eligible for supplemental services under section 10 (1) (c), (e) or (f) of the Medical and Health Care Services Regulation, or had been determined to be eligible for those services under section 11 of that regulation:
- (a) basic dental services, to a maximum total of \$2 000 for each period for all basic dental services provided to the child during the period;
  - (b) basic eyewear and repairs;
  - (c) pre-authorized eyewear and repairs; (d) emergency dental services.

#### Employment and Assistance Act

s. 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.

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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

Susan Ferguson

Signature of Chair

Date (Year/Month/Day)

2025/12/30