

**Reasons for Decision:**

**Order # AP1516-0230**

The appellant appealed:

1. that a request for a <specialized medical device> was denied
2. that a request for <health need item> was denied.

The basis of appeal regarding the <health need item> was changed from denied, to request has not been decided upon within a reasonable time.

<Specialized medical device>

The Department stated at the hearing that they received a request for a <specialized medical device> along with the justification form completed by the appellant's pharmacist, and sent the request to the Department's Disability Health Support Unit (DHSU) on <date removed>. The DHSU reviewed the request on <date removed>. The appellant was then advised, in writing, that the appellant's request would need to come from a doctor not the pharmacist. On <date removed> the request was denied as the justification letter from the doctor was not enough to determine that the <specialized medical device> was a basic and essential medical need. The DHSU consulted with a registered Occupational Therapist who stated there is no research based evidence to support this item being a basic and essential piece of medical equipment. This <specialized medical device> is not on the list of approved medical equipment as per Section 22.4.1 of the Employment and Income Assistance Administrative Manual. Also Health Canada Guidelines does not include this item as an essential medical need. The Department could also not find any medical insurance agency that currently covers this device.

Decisions regarding health needs are currently made by the DHSU to ensure consistency in decision making in all Income Assistance offices across the province. The DHSU refers to the standard base homecare list as a guide to test if an item is essential. The requests were denied as this item is not considered a basic and essential piece of medical equipment. The appellant receives disability benefits and is provided with an additional <amount removed> per month in the appellant's budget for any disability-related items not covered under health care items or special needs items

The appellant reported at the hearing that the appellant is a <reference removed> and suffers with poor leg and feet circulation. The appellant gets severe cramps; the appellant's ankles are always sore and the appellant takes several pain pills per day. The appellant stated that the appellant's doctor advises the appellant to walk more to increase the circulation in the appellant's legs and feet, however the appellant said the appellant cannot walk for long periods of time as the appellant has <reference removed> which leaves the appellant short of breath. The appellant indicated that the appellant tries hot baths and does the appellant's best to exercise as much as the

appellant can but the appellant said the appellant needs additional help. The appellant indicated that this particular <medical device>, at a cost of <amount removed> could help the appellant with leg cramps and pain. The appellant stated that the appellant's doctor prescribed this specific <specialized medical device> for the appellant and feels that the Department should not be disallowing a doctor's request.

22.4.1 Section 3 of the Employment and Income Assistance Administration Manual states:

#### MEDICAL SUPPLIES AND EQUIPMENT

For EIA participants who are not receiving services from the Home Care Program, Disability and Health Supports Unit would reference the standard base Home Care list as a guide to approve the purchase of medical supplies or equipment.

After carefully considering the written and verbal information presented at the hearing the Board has determined that the Department has correctly administered the appellant's request for a <specialized medical device> within the departmental regulations, guidelines and policies. The Board did not deem the appellant's request to be an essential need to the appellant's health. This item is not recognized by the Department guidelines, the Home Care list or by any health insurance agencies. Therefore, the Board confirms the decision of the Director and the appeal is dismissed.

The Board understands the appellant's frustration with having to go to the appellant's doctor for a prescription, after the Department determined the pharmacist's note would not be accepted, when the Department likely would have known that the appellant would not be eligible for the machine regardless who prescribed it.

#### <Health need item>

The appellant stated that the appellant called the Department two months ago informing the Department that the appellant's doctor wrote a prescription requesting <health need item> at <amount removed> dollars each. The appellant said the pharmacist faxed it to the DHSU unit three times and hasn't received a response to date. The appellant stated that the appellant called the DHSU unit and left a message and also hasn't received a call back to date.

The Department advised that they have not received a request from the appellant and also confirmed that the DHSU had not received the request. The worker at the hearing stated that they will look into it as it may have been lost and advised the appellant to send another prescription directly to the worker who will ensure that it is sent to the DHSU unit.

After carefully considering the written and verbal information presented at the hearing the Board has referred this matter back to the Department. It was confirmed at the hearing that they will follow up with the appellant in obtaining a new prescription to provide to the appellant's worker, who agreed to submit the prescription the DHSU unit herself.

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