

Reasons for Decision:

Order # 1516-356

The appellant appealed:

1. request for Ensure nutritional supplement was denied.
2. request for <reference removed> mitts was denied

Ensure supplement

The Department reported at the hearing that the appellant has been undergoing serious health issues lately including a most recent diagnosis of <reference removed>. The appellant's physician prescribed a high protein/calorie diet allowance along with three cans of Ensure per day.

Decisions regarding health needs are currently made by the Disability Health Support Unit (DHSU) to ensure consistency in decision making. The appellant's Body Mass Index (BMI) falls within the high range and no issues with oral intake of solid food consumption were identified. A letter was sent to the appellant on <date removed> stating that based on the information indicated on the forms the appellant's request was denied as there must be issues with oral intake of solid food and or a low BMI rate. The Department indicated that the appellant has been granted the health diet allowance for chronic conditions in the budget in the amount of \$81.63 monthly. The Department representative stated that she supports the appellant's request for the Ensure supplement as the appellant is being treated for a number of conditions and the appellant requires nutrition enriched foods.

The appellant advised that the appellant is currently being treated by three different doctors. The appellant has <reference removed> and <reference removed>. The appellant advised that the appellant cannot afford the vitamins the appellant's doctors are recommending that the appellant take every day and that the Ensure supplement covers most of these needs. The appellant stated that the appellant was receiving the Ensure, supplied by the Department, for several years. The appellant has lost a significant amount of weight due to treatments for <reference removed> and <reference removed> and while on the Ensure supplement regularly, the appellant's energy level increased. The appellant advised that the appellant has been purchasing the appellant's own Ensure for the last four months. The appellant has however had to limit the recommended amount the appellant's doctor prescribed as the appellant cannot afford it.

After carefully considering the verbal and written information the Board has determined that the appellant should have been approved for three units of the Ensure supplement per day as requested by the appellant's doctor. The Department's denial letter of <date removed> indicated the reason for denial was that the appellant's BMI is not in the low range and there were no issues of consumption of solid food. The Therapeutic Diet and

Nutritional Supplement Request and Justification form submitted by the appellant's current doctor stated that the appellant has <reference removed> and requires 3 units per day. It was also noted that the appellant had lost weight and that the appellant's health has improved while receiving the supplement in the past. The Department has not presented that BMI scale reports are to be used as criteria for protein supplement requests, but in fact are criteria for the high protein diet allowance. Therefore the Board is ordering the Department to authorize the delivery of Ensure in the amount of three units per day effective <date removed> for 12 months.

Beaver/Seal Mitts

The appellant approached the Employment and Income Assistance Program with two requests from the appellant's doctor for <reference removed> mitts. The first time the appellant submitted the request the appellant was missing <reference removed> due to the appellant's condition of chronic frostbite. The Department denied the appellant's request indicating it wasn't deemed a basic and essential medical need. The appellant then bought the best mittens the appellant could afford. Three months after that, the appellant lost an additional <reference removed> due to inadequate mitts. The appellant explained that the doctor prescribed <reference removed> as they can sustain sub 0 weather and will likely last up to ten years.

The Department reported that the appellant's physician submitted a medical supply request form to the DHSU requesting assistance to cover the cost of mitts made from either <reference removed> as this would provide the best coverage and prevent the appellant from suffering any further <reference removed> due to exposure.

The DHSU denied the appellant's request advising that they provide basic and essential medical supplies and equipment and these mitts are not considered medical equipment. They advised that there are a variety of brands available and further recommended the appellant should layer more.

After carefully considering the written and verbal information the Board has determined that the appellant has a legitimate need for additional funds to purchase <reference removed> mitts. The Board has determined that the appellant's needs are legitimate and over and above what the appellant's regular EIA budget allows. The appellant requested these mitts last year and was denied. The appellant then purchased the best possible mitts the appellant could afford and lost <reference removed>. If the Department does not consider the need to be a medical need, then the Board has determined that the funds should be provided as a "special need". Therefore the decision of the Director has been rescinded and the Board orders the Department to provide up to <amount removed> dollars to cover the cost of <reference removed> mittens as per the doctor's request and upon confirmation of amount from the appellant. This is the minimum amount needed to purchase the mitts that would provide proper coverage and warmth to assist with the appellant's condition and alleviate any further <reference removed>.