

MANITOBA HEALTH APPEAL BOARD POLICIES

DATE CREATED: NOVEMBER 28, 2016

DATE REVISED: JANUARY 16, 2020

POLICY TITLE

BOARD JURISDICTION TO HEAR APPEALS OF COMPLIANCE AUDITS OF HOME CARE - SELF & FAMILY MANAGED CARE (SFMC) AGREEMENTS

POLICY STATEMENT #5

BACKGROUND

Section 10(1) (e) of The Health Service Insurance Act contains provisions allowing a person the right to appeal decisions prescribed by regulation to the Manitoba Health Appeal Board (MHAB). Manitoba Health Appeal Board Regulation 175/2006 contains provisions that allow a person to appeal decisions of the regional health authority (RHA) to the MHAB. The appeals relate to the provision of home care services and are limited to a person's eligibility to receive home care services and to the level or type of home care services provided to the person.

Home Care services can be provided directly by the RHA Home Care Program or a person can apply to participate in the Self and Family Managed Care Program (SFMC) which is an optional program for individuals who qualify. The SFMC Program enables individuals to accept full responsibility for their personal care as self-managers rather than receiving the services through the RHA Home Care Program. As self-managers, individuals are responsible for coordinating, managing and directing the services they need to remain living at home in the community. The individual signs a SFMC Agreement with the RHA setting out the terms of the home care needs and the funds that are allocated by the RHA to the self-manager to obtain those home care services. The RHAs conduct compliance audits of the SFMC Agreements to ensure that the expenditures are in compliance with the agreement.

The MHAB has received appeals from individuals who disagree with the findings of compliance audits of Self and Family Managed Care Program agreements.

At appeal the RHA has argued that the MHAB does not have the jurisdiction to hear these types of appeals because the issue at appeal is not related to eligibility to home care services or the level or type of home care service provided as stipulated in Regulation 175/2008.

POLICY

The Board agreed that it did not have jurisdiction to hear appeals of compliance audits of SFMC Agreements. Files of that nature will not be accepted any longer at the MHAB. If there is some other element at appeal, dealing with eligibility to receive home care service or the level or type of home care service, an appeal file will be opened.