

**Reasons for Decision:**

**Order # AP1920-0680**

On <date removed>, <name removed> filed an appeal against the decision of the Director, Fort Garry/River Heights to deny funding for crutches and eyeglasses. The decision on crutches was communicated by letter on <date removed>. The decision on eyeglasses was communicated by letter on <date removed>.

In both letters, the Department stated funding had been denied because preapproval was required for both purchases, and the Department did not reimburse out-of-pocket purchases after the fact.

At the hearing, the Department relied extensively on the written report submitted as evidence.

The Department told the Board <name removed> purchased eyeglasses through an American online retailer and asked the Department for reimbursement. The Department provides eyeglasses through agreements with the Manitoba Opticians Association and the Manitoba Optometrists Association. The eyeglasses must be requisitioned by a member of one of those associations, and the Department must approve the requisition prior to the supply of the eyeglasses.

<name removed> stated they told the receptionist at Access Fort Garry that they would need eyeglasses when they submitted the invoice for their eye exam. The appellant asserted that, prior to being assigned a new worker, they always submitted paperwork through their worker.

<name removed> also purchased used crutches from Value Village, and submitted the bill for reimbursement. Medical equipment purchases must be preapproved by the Disability Health Supports Unit (DHSU). The Department noted <name removed> should have received either the appropriate equipment or a prescription from the hospital after their surgery.

<name removed> asserted that they made several attempts in person and in writing to get preapproval for the purchases, but did not receive a response from their worker. The appellant stated they finally received a form for their crutches, but their orthopedic surgeon told them he had never seen the form before and refused to complete it.

The Department noted there was no documentation in <name removed>'s file indicating they had attempted to obtain preapproval. <name removed> told the Board they provided the Department with the surgeon's phone number so it could verify their discussions with the surgeon.

<name removed> stated this was their second hip surgery. The appellant rented crutches after the first surgery, but returned them early. The appellant believes discontinuing use of the crutches before their recovery period ended affected their need for the second surgery.

<name removed> observed that their worker consulted with a Department manager in <date removed> to clarify the Department's process for approving eyeglasses, and inferred that their worker did not understand the process. The appellant suggested it was unfair to expect them to understand a process when their worker did not understand the process. The Department explained that the worker was gathering information for the appeal report in <date removed>, and the purpose of the consultation was to establish that the provision of eyeglasses is covered by agreement.

Schedule A, Section 9 of *The Manitoba Assistance Act Regulation* states the Director may make payment for

(b) essential optical supplies including eyeglasses where a duly qualified medical practitioner has certified that there is no systemic or ocular disease of the eye;

The Department has chosen to exercise this discretion through an agreement with two professional associations. The Board is aware that all members of these associations are familiar with the Department's procedures. The optometrist who performed <name removed>'s eye exam should have advised them of the procedure at the time of their exam. In any event, the Department sent a letter to <name removed> including a phone number for the optical intake line. <name removed> chose to inform the Access Centre receptionist that they required eyeglasses, rather than call the optical intake line.

The Board notes that <name removed> has rented crutches before and is aware of the Department's procedure for medical equipment. Furthermore, the receipt from Value Village is dated <date removed>, while their surgery was on <date removed>. The appellant purchased the crutches prior to consulting with the hospital about their post-operative needs.

Based on the written and verbal evidence presented, the Board determines that the Department correctly administered <name removed>'s request according to legislation, regulations and policy. The Board confirms the Director's decision to deny <name removed> funding for eyeglasses and crutches.

## **DISCLAIMER**

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