



# Income Assistance **Special Needs**

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<http://www.dal.ca/faculty/law/dlas/public-legal-education.html>

## What are Special Needs?

*Regulation 24(1) & Appendix A; Policy Manual 6.2.1 – 6.2.34 & 6.3.1 – 6.3.4*

Special needs are amounts provided for items which fall outside of the personal and shelter allowances.

Examples of special needs include, but are not limited to:

- i. Dental care;
- ii. Optical care;
- iii. Pharmacare coverage;
- iv. Special diet;
- v. Transportation; and
- vi. Phone for health or safety reasons.

A full list of special needs is found in the Policy Manual.

### Special Needs Requiring a Doctor's Note

*Regulation 62; Policy Manual 9.1.1 – 9.1.6*

The most common special needs are:

- i. Pharmacare – all IA recipients are covered.
- ii. Transportation for medical reasons (usually a bus pass);
- iii. Telephone for medical reasons; and
- iv. Special diet – the special diet schedule is contained in the Policy Manual.

An IA recipient should be able to obtain the above noted special needs (except Pharmacare) with a doctor's note indicating that the special need is required for medical reasons.

Pharmacare covers prescriptions for IA recipients, and their families, provided the prescription is for a drug listed on the *Nova Scotia Formulary*. There is a \$5.00 co-pay which can be waived if a recipient has more than 3 prescriptions, is a person with a disability or has a small dosage prescription to be taken on a frequent basis.

If a condition necessitating a special need is chronic occasionally only one doctor's note is required. However caseworkers may, and often do, ask for a new note on an annual basis.

### Special Needs Requiring More than a Doctor's Note

*Regulation 24(B); Policy Manual 6.1.2*

For other special needs requests contained in the Policy Manual it may be necessary to provide the following information:

- i. An explanation as to the why the special need is required;
- ii. A description of the special need;

- iii. Any documentation from professionals supporting the special need;
- iv. The monthly or total cost of the special need;
- v. The resources or alternatives that have been investigated with respect to obtaining the special need from other sources;
- vi. If the item or service costs over \$200.00, two estimates from separate providers; **and**
- vii. An invoice or receipt if the special need has already been acquired.

### Special Needs Not Listed in the Policy Manual

*Regulations 24(2) & 24(A)(1) – (2); Policy Manual 6.1.1 & 6.2.18*

Recent changes to the *ESIA Regulations* (effective October 1<sup>st</sup>, 2013) allow the approval of special needs not contained in the Policy Manual provided certain criteria are met.

If a client is seeking a special need not contained in the Policy Manual the first step to determine whether it is a permissible special need. A special needs request will **not** be granted, regardless of the circumstances of the applicant, if:

- i. The request is for an item or service that is insured by a Provincial health care plan (i.e. MSI), or otherwise funded by government;
- ii. The request is for a prescription drug not listed on the Nova Scotia Formulary;
- iii. The request is for shelter costs or personal allowances; **or**
- iv. The request is for medical marijuana or any equipment or supplies used in producing or administering medical marijuana.

The item or service in question **must** meet the following criteria in order to be considered a special need:

- i. It must be prescribed in the scope of their practice by either a physician, dentist or nurse practitioner;
- ii. It must be essential to the health of an applicant, recipient, their spouse or their dependent child/children; **and**
- iii. It must be provided by a medical professional licensed or registered to practice in Nova Scotia [A full list of of medical professionals licensed or registered to practice in NS can be found at the bottom of this link [http://nslegislature.ca/legc/bills/61st\\_4th/1st\\_read/b147.htm](http://nslegislature.ca/legc/bills/61st_4th/1st_read/b147.htm) - however it is important to note that the Policy Manual lists examples of treatments (such as massage therapy and acupuncture) which are not provided by professionals on the above list].

### *What the Caseworker Will Consider*

In making the determination as to whether an item or service will be approved as a special need a caseworker will consider the following (some of these criteria are covered on the 'Request for Essential Medical Treatment' form that must be completed):

- i. The needs and circumstances of the applicant, recipient, spouse or dependent child;
- ii. The medical evidence of the appropriateness, necessity and effectiveness of the requested item or service;

- iii. The cost of the item or service in comparison to possible alternatives;
- iv. Availability of alternatives insured by the Province or otherwise funded by government; **and**
- v. Whether approving the item or service will fulfill the purposes of the *ESIA*.

In making their decision a caseworker may request advice from a person qualified to provide medical advice on the appropriateness, necessity or effectiveness of the item or service requested. If a caseworker requests advice they **must** advise their supervisor.

Should a caseworker determine that an item or service **should not** be approved as a special need they **must** notify the applicant and provide them with written reasons, and their decision is appealable.

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## Disclaimer

This document contains general legal information and not legal advice. **If you need advice about a specific legal problem then you should contact a lawyer.** If you will have difficulty affording a lawyer then you should contact [Nova Scotia Legal Aid](#) or [the Legal Information Society of Nova Scotia's lawyer referral service](#).

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