

Ontario Works Special Diet Allowance – 2007 Update

Date:	November 15, 2007
To:	Community Development and Recreation Committee
From:	General Manager, Social Services
Wards:	All
Reference Number:	

SUMMARY

This report is in response to Community Development and Recreation Committee direction, on February 19, 2007, that Toronto Social Services (TSS) provide an update on the actions taken to ensure that social assistance recipients receive the Special Diet Allowance, if eligible, and that TSS staff are properly trained in the administration of this benefit.

The Special Diet Allowance is a mandatory benefit that municipal deliverers of social assistance are directed to provide as part of provincial legislation. This benefit is available to recipients and dependants who have specific dietary requirements as a result of a medical condition verified by an approved health professional.

RECOMMENDATIONS

The General Manager of Social Services recommends that:

1. City Council reaffirm its position from its April 11, 2006 report, 'Systems of Survival, Systems of Support: An Action Plan for Social Assistance in the City of Toronto', calling on the Province to adjust the Ontario Works Benefit Rate Structure so that the basic needs component maximum for Ontario Works is increased by 21.6 percent and thereafter adjusted annually to reflect the findings of yearly Nutritious Food Basket surveys conducted by local Boards of Health based on protocols established by the Ontario Ministry of Health and Long-Term Care.

Financial Impact

This report has no financial implications.

DECISION HISTORY

City Council at its meeting of December 14 and 16, 2005 adopted the recommendations contained in clause nine of the Community Services Committee report “Ontario Works, Special Diet Allowance Update” that TSS ensure that social assistance recipients receive all dietary benefits to which they are entitled and that TSS staff are properly trained to not eliminate any dietary benefits recipients are eligible to receive.

On February 19, 2007 Community Development and Recreation Committee adopted a report from Toronto Public Health on the “Cost of the Nutritious Food Basket - Toronto 2006”. The Nutritious Food Basket (NFB) is a food costing tool used to measure the cost of healthy eating in each Board of Health jurisdiction within Ontario. Based on the NFB survey results, the report indicates that it has become increasingly more difficult for low income residents to meet the nutritional needs required to remain healthy, and advocates for a basic allowance that is sufficient to meet the daily nutritional needs as determined annually by the cost of the Nutritious Food Basket. At this meeting it was also recommended that TSS report back on the implementation of the Special Diet Allowance from the December 14 and 16, 2005 decision. Subsequently, City Council on March 5, 6, 7 and 8, 2007 reaffirmed its continued support for the December 2005 decision.

ISSUE BACKGROUND

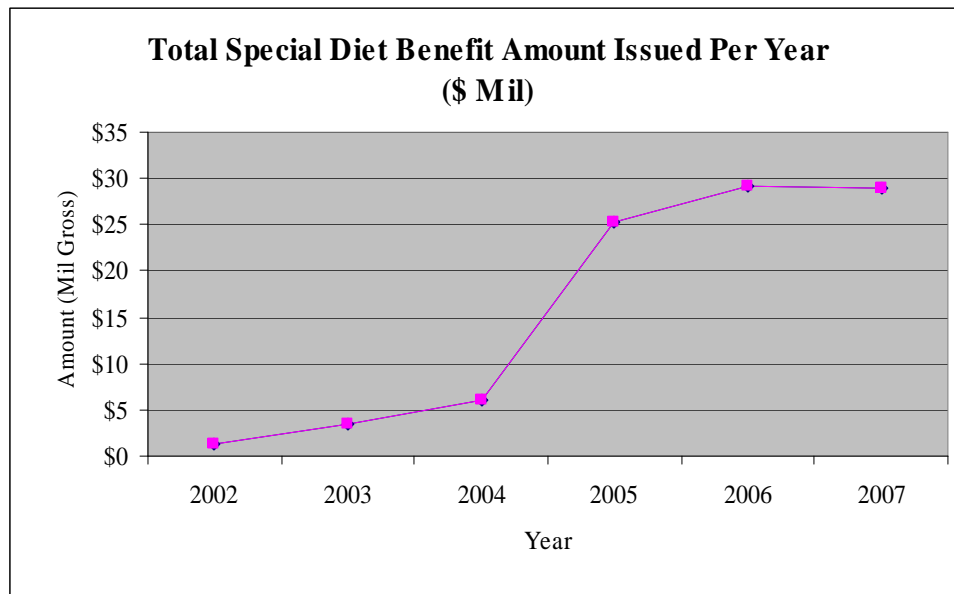
Ontario Works (OW) benefit rates and eligibility for benefits are established through provincial legislation. All social assistance recipients and their dependants receive a monthly allowance to cover basic needs and shelter costs. The amount is based on the number of people in a family and subject to a maximum amount determined by provincial legislation.

A number of additional supports may also be available based on verifiable client circumstances. These are mandatory benefits that municipal deliverers of social assistance are directed to provide through provincial legislation. Examples include: Community Start-Up and Maintenance Benefit, Vision Care and Special Diet Allowance.

The intent of the Special Diet policy under OW and the Ontario Disability Support Program (ODSP) is to provide additional funding to social assistance recipients who require a special diet as a result of a medical condition (e.g. diabetes, cystic fibrosis, kidney disease) – up to a maximum of \$250.00 per month for each member of the benefit unit. The Province has established a Special Diet Schedule to help determine who is eligible for the Special Diet Allowance and the benefit amount for those medical conditions that require a special diet. The amount provided is issued in addition to the amount for basic needs and shelter. (The most recent Special Diet Schedule is provided in Attachment 1)

Prior to 2003, provincial regulation restricted authorization for a Special Diet Allowance to medical doctors/physicians. In 2003, the Province expanded the range of items eligible for additional funding, increased the amounts for other diets and added registered nurses (extended class), registered midwives and registered dietitians as approved health professionals.

Between 2004 and 2005, Toronto identified, along with other municipalities, a significant increase in the number of people receiving the Special Diet Allowance. The chart below shows the total Special Diet Allowance amount issued annually to social assistance recipients in the City of Toronto from 2002 to 2007. This increase has resulted in the number of individuals receiving a Special Diet Allowance, increasing from approximately 5,300 individuals in August 2002 to approximately 31,000 individuals in August 2007.



A factor contributing to this increase was a campaign undertaken by community advocates to increase the number of persons on social assistance receiving the Special Diet Allowance. In particular, the Ontario Coalition Against Poverty (OCAP) has taken the position that “everyone on OW or ODSP [Ontario Disability Support Program] should be entitled to the full \$250.00 monthly supplement” available through the Special Diet Allowance.

The Province has taken a number of steps to clarify the eligibility and entitlement for the Special Diet Allowance to ensure that its continued provision is consistent with its original intent.

In November 2005, medical conditions necessitating a special diet allowance were listed in prescribed policy statements (OW regulations) for the first time. Working with the Ontario Medical Association, the Province created an application form that clearly lists

the medical conditions that require a special diet, making it easier for health professionals and applicants to understand who is eligible for the Special Diet Allowance. Approved medical professionals were required to state the medical condition to confirm eligibility for the Special Diet Allowance.

Under the new regulations, municipalities were directed by the Province to review, over a period of time, all cases in receipt of the Special Diet Allowance. The Province provided ad hoc reports identifying clients for review, TSS then provided these clients with the new application form and provided them with 90 days to have it completed by an approved health professional. Between November 2005 and August 2006, TSS staff reviewed over 20,000 Special Diet applications against this revised schedule. Since November 2005, TSS has issued over 160,000 application forms for the Special Diet Allowance.

In addition to the above, the Province has subsequently issued two more bulletins further clarifying the review process for weight-related medical conditions.

In October 2006 provincial regulations introduced amendments once again to the prescribed policy statements listing medical conditions. The revised application form provided greater personal privacy to social assistance clients as some medical conditions no longer need to be specifically identified.

The Ministry is committed to reviewing the Special Diets Schedule periodically so that it reflects up-to-date medical knowledge and practice. To assist the ministry with periodic reviews, a Special Diet Expert Review Committee was established, comprised of health professionals with extensive clinical experience and academic credentials.

The initial review of the schedule is currently underway. The Special Diet Expert Review Committee will provide the ministry with its advice regarding medical conditions that require a special diet and the costs of those special diets.

COMMENTS

As provincial changes are introduced to the Special Diet Allowance policy, TSS is committed to ensuring that clients continue to receive the full special diet amount to which they are entitled. When changes are introduced by the Province, information is provided to staff through a number of sources including: written communication, updates on the internal web site and local office training.

As well, TSS has an established internal review process that social assistance clients can access when they are not in agreement with a decision regarding the Special Diet Allowance or any other mandatory or discretionary benefit. They also have the right to appeal to the provincial Social Benefit Tribunal (SBT).

As a municipal delivery agent, TSS is responsible for complying with provincial Special Diet regulations to maintain the integrity of the social assistance system. On occasion

where issues have been identified with respect to the apparent validity and potential misuse of Special Diet applications, TSS has referred the issue to provincial staff for follow-up. Some of the concerns TSS has raised with provincial staff include, a limited number of health professionals who are authorizing a large number of special diet cases, the authorization of identical medical conditions for multiple members in a family and instances where the authorized health professional has identified a Special Diet Allowance for a medical condition that requires a medical follow-up, but where there is no indication that such a follow-up has been recommended.

As in the administration of any high volume and complex benefit such as Special Diet, it is expected that there will be variances in the amount of benefits issued from what is prescribed. To support the ongoing administration of this benefit, TSS conducted a review of nearly 200 randomly selected cases (674 individuals) that had been provided with the Special Diet Allowance. Through this review TSS found:

- no cases where TSS staff had challenged the validity of the medical condition, delayed or withheld any portion of the benefit from a client;
- all clients had been provided with sufficient time to complete the revised application form;
- the majority of cases were issued the correct Special Diet amount based on the information provided in the application form;
- in those cases where the correct amount was not issued, the amount of the variance was less than 5 percent, and;
- that where there was a variance, it was primarily related to limitations in the provincial technology.

According to provincial legislation, special diets are to be reviewed minimally on a yearly basis when the medical condition is not associated to body-weight. In many instances this review is done in conjunction with updates and issuances of multiple mandatory and discretionary benefits. TSS administers over 20 different mandatory and discretionary benefits to clients, many with unique eligibility requirements (e.g. Community Start-up, Transportation Allowance, Extended Employment Health Benefit, Newborn Allowance etc). Given the volume of cases in receipt of the Special Diet Allowance and the complexity of administering this benefit, regular reviews are important to maintain both the integrity of the benefit and social assistance delivery in Toronto.

Conclusion

TSS has a long history in recognizing and sharing Toronto Public Health's concerns that social assistance rates have continued to erode and are inadequate in meeting the basic needs of residents in Toronto. For example, in the October 2005 report "The Continuing Erosion of Ontario Works Benefit Rates", TSS advocated that the Province adjust the Ontario Works benefit rates structure to adequately address the cost of living and to ensure that low income residents have the ability to purchase healthy food. More recently, in 2006 TSS released the report "Systems of Survival, Systems of Support: An

Action Plan for Social Assistance in the City of Toronto” which called on the provincial government to adjust the benefit rate structure to address this inadequacy. Toronto Social Services remains committed to advocating for fair and equitable access to basic needs benefits that are adequate for all OW recipients in Toronto while maintaining a separate Special Diet Allowance for those recipients suffering from chronic illnesses.

As a municipal delivery agent, TSS is responsible for complying with provincial regulations regarding all program benefits including eligibility for Special Diet. Findings from the Special Diet review as well as the annual increase in issuances of the benefit, reinforce TSS’ ongoing commitment to administer the Special Diet allowance to all those who are eligible. The fact that the 2007 Special Diet total expenditure is consistent with 2005 and 2006 levels is further evidence that TSS has maintained ongoing accessibility to this benefit in light of numerous Provincial changes. TSS continues to advise social assistance clients of all available benefits to which they may be entitled while advocating the province for changes in benefits to adequately address the needs of a vulnerable population.

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ATTACHMENTS

Attachment 1 – Schedule 1 Special Diets

SCHEDULE 1
SPECIAL DIETS

Item	Column A	Column B	Column C
	Medical Conditions that Require a Special Diet	Medical Conditions that may Cause Weight Loss	Monthly Amount for Special Diet Unless Otherwise Specified
1.	Amyotrophic Lateral Sclerosis	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
2.	Anorexia Nervosa	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (4)
3.	Cardiovascular Disease		\$10
4.	Celiac Disease		
	less than 2 years of age		\$58
	2-10 years of age		\$115
	11-18 years of age		\$147
	19 years of age or older		\$131
5.	Chronic Constipation		\$10
6.	Chronic wounds requiring protein		\$10
7.	Congenital Abnormalities of the Metabolic Type — Adults		\$10
8.	Congenital Abnormalities of the Metabolic Type — Infants & Children		\$10
9.	Congestive Heart Failure		\$44
10.	Crohn's Disease	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
11.	Cystic Fibrosis	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (4)
12.	Diabetes		\$42
13.	Diverticulum/Diverticulitis		\$10
14.	Dysphagia/Swallowing or Mastication Difficulties		\$25 and, when appropriate, the one-time amount referred to in subsection 2 (6)
15.	Extreme Obesity: Class III BMI > 40		\$20

Item	Column A	Column B	Column C
16.	Food Allergy — Eggs		\$10
17.	Food Allergy — Milk/Dairy or Lactose Intolerance		
	less than 2 years of age		\$95
	2-10 years of age		\$97
	11-18 years of age		\$55
	19 years of age or older		\$35
18.	Food Allergy — Soya		\$83
19.	Food Allergy — Wheat		
	less than 2 years of age		\$38
	2-10 years of age		\$77
	11-18 years of age		\$98
	19 years of age or older		\$57
20.	Gestational Diabetes		\$44
21.	Gout		\$32
22.	HIV/AIDS	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
23.	Hyperlipidemia		\$10
24.	Hypertension		\$10
25.	Hypertension and Congestive Heart Failure and Grade 1 to 2 left ventricular function		\$44
26.	Hypercholesterolemia		\$22
27.	Inadequate lactation to sustain breast-feeding or breast-feeding is contraindicated		
	- where infant is lactose tolerant		\$75
	- where infant is lactose intolerant		\$83
28.	Kwashiorkor	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (4)
29.	Liver Failure/Hepatic Disorders		\$10
30.	Macrocytic Anaemia		\$10
31.	Malabsorption		\$20
32.	Malignancy	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
33.	Marasmus	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (4)

Item	Column A	Column B	Column C
34.	Microcytic Anaemia		\$30
35.	Osteoporosis/Osteomalacia/Osteopenia		\$10
36.	Ostomies [e.g., jejunostomy, ileostomy]	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
37.	Pancreatic Insufficiency	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
38.	Post-gastric surgery		\$10
39.	Prediabetes: Impaired Glucose Tolerance (IGT) or Impaired Fasting Glucose (IFG)		\$42
40.	Renal Failure — Dialysis		\$44
41.	Renal Failure — Pre-Dialysis		\$44
42.	Short Bowel Syndrome	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)
43.	Ulcerative Colitis	Yes	\$75 or such higher amount as may be permitted in accordance with subsection 2 (2)