

Health benefits when you go off ODSP



If you have been getting income support from the Ontario Disability Support Program (ODSP), but no longer qualify because your income is too high, you still might be able to get help to pay for your medical costs.

If you speak French

Ask a lawyer or a community legal clinic about your language rights. You may have the right to get your ODSP-related government services in French.

If you are appealing a decision about your right to social assistance from ODSP, this could mean that you have the right to a hearing before a French-speaking member of the Social Benefits Tribunal, as well as other French-language services.

Si vous parlez français

Communiquez avec un avocat ou une clinique juridique communautaire, et informez-vous de vos droits linguistiques.

Il se peut que vous ayez droit à ce que les services gouvernementaux reliés au Programme ontarien de soutien aux personnes handicapées (POSPH) vous soient fournis en français.

Si vous avez fait appel d'une décision concernant votre droit à l'aide sociale du POSPH, vous pourriez avoir droit à une audience devant un membre du Tribunal de l'aide sociale qui parle français, de même qu'à d'autres services en français.

The Ontario Disability Support Program (ODSP) provides health benefits for people who qualify for income support.

If you were getting ODSP income support but are going off it because you have other income, you still might qualify for one of these health benefits from ODSP:

- the Extended Health Benefit, or
- the Transitional Health Benefit.

To begin getting one of these health benefits, you must have received ODSP income support in the previous month. Starting on page 3, you will find more information about who can get these benefits.



What is the Extended Health Benefit?

The Extended Health Benefit (EHB) pays for:

- Most prescription drugs. You get a monthly drug card for this.
- Dental care.

- Vision care, such as prescription glasses.
- Hearing aids.
- Diabetic and surgical supplies.
- Transportation costs for travel to medical appointments if these costs are \$15 or more in a month.

Note: These transportation costs might include the cost of going to counselling appointments or meetings that are prescribed by a health professional, for example, Alcoholics Anonymous meetings.

- Some or all of the amount of your co-payment for an assistive device under the Assistive Devices program of the Ministry of Health and Long-Term Care.

Who can get the Extended Health Benefit?

If the only reason you no longer qualify for income support is that you have excess income, you might be able to get the EHB from ODSP.

ODSP rules say you have **excess income** when the total amount of your income from other sources, after the exemptions and deductions allowed by ODSP, is more than your entitlement. Some examples of income from other sources are earnings from a job, self-employment or business income, or Canada Pension Plan (CPP) benefits. Under ODSP rules, half of your earnings from a job are exempt and will not be counted when ODSP calculates your income.

Your **entitlement** is the maximum amount of income support you could get from ODSP for a month, before they make any deductions. The amount of your entitlement is shown on the left side of your ODSP cheque stub.

There are 3 steps to figure out whether you are eligible for the EHB:

1. Figure out how much your excess income is. To do this, you need to know your total income from other sources for the month, after the exemptions and deductions allowed by ODSP. From this amount, subtract your ODSP entitlement. If the answer is more than zero, you have excess income and cannot get income support. But you might be eligible for the EHB.
2. Add up your eligible monthly health-related costs. Items in the list on pages 1 and 2 are eligible.
3. Compare your eligible monthly health-related costs to your excess income. If these costs are more than your excess income, you might be eligible for the EHB.

You can keep getting the EHB as long as your eligible monthly health-related costs are higher than your excess income for the month.

Figuring out whether you are eligible for the EHB can be complicated. For advice or help, you can contact a community legal clinic. See page 11 for information about finding a legal clinic.



What if I do not qualify for the EHB?

You could be eligible for the Transitional Health Benefit (THB). It covers the costs of drugs, dental care, and vision care.

You can get the THB only if:

- you are going off ODSP for a job or training program, and
- you do not qualify for the EHB, and
- your job or training program does not provide you with health benefits that are equal to the THB.

If you get some health benefits from your job or training program, you could still get the THB for other health-related expenses that are not covered. For example, if you get only dental benefits through your job, you could get the THB for prescription

drugs or other health-related expenses. Or, as another example, if your job benefits cover only some of the cost of prescription drugs, you could get the THB to cover the rest of the cost.

You can keep getting the THB until the health benefits from your job are equal to the THB. But you must apply for the THB once every year.



How do I apply?

When you go off ODSP, your worker is supposed to decide if you are eligible for the EHB. You may want to ask your worker to check whether you are eligible.

It is up to you to prove that you are eligible for the EHB. You will need proof of your drug costs and other medical expenses.

Ask your pharmacist for a print-out of your prescriptions for the last 6 to 12 months. Figure out the average monthly cost of your medications and other items listed on pages 1 and 2.

For an item that you pay for just once a year, calculate the average monthly cost by dividing the amount you paid by 12.

If you are not eligible for the EHB, your worker should figure out whether you qualify for the Transitional Health Benefit.



What if I am refused or cut off the Extended Health Benefit?

Ask for the decision in writing immediately.

You can appeal to the **Social Benefits Tribunal (SBT)**. The SBT is independent from ODSP and has the power to make a different decision.

But first you must **write** to the ODSP office that made the decision to refuse or cut off the benefit and ask for an **internal review**. The internal review will not be done by the person who made the original decision. Someone else in the same office will review the original decision and decide whether or not to change it.

On the next few pages we give basic information about internal reviews, appeals, and the time limits that apply to them. For more details and a form that you can use to request an internal review, see the CLEO booklet called **Appeals and Internal Reviews**. To find out how to order it or view it online, see the back cover of this pamphlet.

Ask ODSP for an internal review

Your request must be made **in writing**. You must ask for an internal review within **30 days** from the date you receive the decision to refuse or cut off the benefit.



Note about mail

The rules assume that if a letter is mailed to you, you receive it **3 days** after it is mailed. The mailing date should be stamped on the envelope by Canada Post. It might not be the same as the date on the letter, so keep both the letter and the envelope.

It is important to try to meet the time limit. If you miss it, you should still ask for an internal review. Make sure you ask for an extension of time in your request for an internal review and explain why your request is late.

The ODSP office is supposed to make a decision on your internal review within **10 days** from the date they receive your request.

Appeal to the Social Benefits Tribunal

If you get an internal review decision within the 10 days and it says that you are still refused or cut off, you have **30 days** from the date of this decision to file an appeal with the SBT.

If you do not get an internal review decision within the 10 days, you can go ahead and appeal the original decision to the SBT. You must appeal within **40 days** from the date of your request for an internal review.

To make your appeal, you must use the SBT's Appeal Form. You can get one from

your ODSP office, a community legal clinic, or by calling the Social Benefits Tribunal at:

Toll-free. **1-800-753-3895**

Toll-free TTY **1-800-268-7095**

The Appeal Form is also available on the SBT’s website at <www.sbt.gov.on.ca>. Look in the “**Forms**” section.

If you miss the time limit for appealing, you can still appeal to the SBT. In the Appeal Form, ask the SBT for more time and explain why you missed the time limit.

Apply to the SBT for interim EHB

When you appeal, you can apply for the EHB as **interim assistance** while you wait for the SBT to decide your case. The Application for Interim Assistance is part of the Appeal Form. If the SBT orders it, the local ODSP office will have to give you the EHB until your appeal hearing.

If you lose your appeal, or you do not go to your hearing, you will have to pay back any interim assistance you get.

What if I am refused or cut off the Transitional Health Benefit?

Ask for the decision in writing immediately.

You can ask the ODSP office for an internal review. But a decision about the THB cannot be appealed to the SBT.



How do I get legal help?

For advice or help, contact a community legal clinic, Legal Aid Ontario, or a lawyer.

To find your nearest community legal clinic, go to Legal Aid Ontario’s website at <www.legalaid.on.ca>. Click on “**Contact LAO**” then “**Community legal clinics**”.

You can also look in CLEO’s booklet called **Getting legal help: A directory of community legal clinics in Ontario**. To view it online, go to <www.cleo.on.ca> and click on “**View materials**” then “**Legal Services**”. To find out how to order it, check the back cover of this pamphlet.

For more information about Legal Aid Ontario, visit their website listed above or call them at:

Toll-free. **1-800-668-8258**

Toll-free TTY **1-866-641-8867**

Toronto area TTY. . . **416-598-8867**



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

The law can change, and policies and practices can also change or vary. This pamphlet contains general information. It is not a substitute for getting legal advice about your particular situation.

Written, edited, and produced by:

CLEO (Community Legal Education Ontario/
Éducation juridique communautaire Ontario)

With funding from:

Legal Aid Ontario
Department of Justice Canada

This pamphlet is part of CLEO's series on Social Assistance. Thanks to the Steering Committee on Social Assistance for their collaboration on this series. CLEO has free publications on other legal topics as well.

We revise our publications regularly to reflect changes in the law. Our Discard List tells you which publications are out of date and should be thrown away.

For a copy of our current Order Form or Discard List, or to view our publications online, please visit <www.cleo.on.ca> or call **416-408-4420**.

