

Important update regarding client eligibility for the Ontario Disability Support Program Special Diet Allowance

People have begun to receive responses to their applications under the new Ontario Disability Support Program (ODSP) Special Diet Allowance (SDA) program that began in April 2011.

Under the old SDA, anyone living with HIV was entitled to receive at least \$75 and up to \$240, depending on the amount of weight loss/body wasting ranging from 0% to more than 10%.

The new SDA eliminated the allowance for those who experience 0-5% of unintended weight loss. The new SDA has only two unintended weight loss categories:

- More than 5% but less than 10% of usual body weight - \$191
- More than 10% of usual body weight - \$242

There are other medical conditions that are eligible for SDA. The maximum SDA remains \$250.

It has always been our position that people living with HIV will be eligible for the new SDA as long as health care professionals confirm unintended weight loss related to HIV **at any time since HIV diagnosis**. However, there has been variation in the interpretation of the relevant time period to be considered for the weight loss category. The Ministry did not give any public direction on this issue until the end of the period that SDA recipients under the old program were required to submit new SDA applications.

In August 2011, after the SDA renewal forms were due, the Ministry confirmed that health care professionals should consider **past or present** weight loss when completing the SDA forms.

As a result of the confusion regarding the relevant time period to be considered, it is likely that many people living with HIV may have their SDA unfairly reduced or eliminated.

The Ontario AIDS Network (OAN) and the HIV & AIDS Legal Clinic Ontario (HALCO) are taking this issue very seriously. We are raising the matter with the Ministry of Community and Social Services. In addition, HALCO is actively challenging decisions to reduce or eliminate the SDAs of people living with HIV.

Please immediately refer to HALCO *all* people living with HIV who have had their SDA reduced or eliminated, no matter what the reason was for the reduction or elimination. It is vital that people contact us immediately upon being notified of the reduction/elimination, as there is a **30 day time limit to challenge ODSP decisions**. People should be contacting HALCO even if 30 days have passed because steps may still be taken to challenge the decisions.

Please also immediately inform the OAN regarding the number of cases so that their advocacy efforts can continue to be informed by the impact this is having on people living with HIV.

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