

Information for Health Professionals: Completing ODSP Applications for People Living with HIV

Health professionals play an important role in helping people with HIV access Ontario Disability Support Program (ODSP) benefits. This document is designed to help health professionals, such as nurses and physicians, to understand their role and obligations when a person living with HIV asks them for assistance to complete an ODSP application.

People living with HIV are automatically medically eligible to receive ODSP benefits. This is due to a long-standing government policy that recognizes HIV as a disability, with no review date, for the purpose of ODSP eligibility. However, applicants still need a health professional to complete the ODSP Disability Determination Package (DDP) for them (see the next page for information about which health professionals can complete the DDP and how to do so.) The other, non-medical eligibility criteria, including those related to immigration status and finances, do not require assessment by a health professional.

It is essential that low-income people living with HIV are able to access ODSP benefits as quickly as possible after testing positive for HIV. Receiving ODSP benefits enable people to access HIV and other medications, and therefore play a crucial role in linkage to care. In addition, the financial benefits, while still too low, help recipients pay for rent and food as well as adhere to treatment. In short, ODSP plays a central role in lowering barriers to health care and providing much-needed financial and other supports for low-income people living with HIV who often already face multiple barriers due to historic discrimination based on sexuality, gender, Indigeneity, race, disability, class and/or immigration status.

HALCO urges health professionals to assist in completing ODSP applications for people living with HIV. Doing so takes very little time, and does not require a detailed knowledge of a person's medical background (see the next page for further information).

Please note: Refusal by a health professional to complete an ODSP application for a person living with HIV may result in disciplinary or legal action. ODSP applications are considered "third party medical reports," which the College of Physicians and Surgeons of Ontario requires physicians to complete within 45 days of receipt unless there is an agreement for an extension.¹ Refusal to complete the ODSP application may also constitute discrimination contrary to Ontario's *Human Rights Code*.

See the next page for further information about completing ODSP applications for people living with HIV.

¹ College of Physicians and Surgeons of Ontario, *Advice to the Profession: Third Party Medical Reports* (June 2021). Available at <https://www.cpso.on.ca/Physicians/Policies-Guidance/Policies/Third-Party-Medical-Reports>.

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- The DDP includes the Health Status Report (HSR) and Activities of Daily Living (ADL) section, which must be completed by a health professional. The DDP also contains a Consent to Release Medical Information and Self Report Form, which the applicant must sign (but the applicant does not need to complete the Self Report Form).
- The HSR and ADL can be completed by physicians, nurse practitioners, registered nurses, optometrists, psychologists, or psychological associates. Some other health professionals are able to complete only the ADL.
- Completing the HSR and ADL for a person living with HIV is a condensed process:
 - Health professionals are not required to complete the HSR or ADL, other than signing both, attaching a lab result (i.e., positive HIV screen or an HIV viral load result), and stating in the first section of the HSL, under *1. Medical Condition*, that a lab result is attached that confirms the applicant is living with HIV.
 - Basic information about the applicant (e.g., name, address, date of birth) will be pre-populated in the HSR and ADL.
- Health professionals can complete and submit the DDP digitally through the Ministry of Health's established Special Authorization Digital Information Exchange (SADIE) using a GO Secure account. Alternatively, the application can be completed on paper and the applicant can mail the completed, original forms to the Disability Adjudication Unit (DAU) using the addressed envelope included with the DDP package. If mailed, the applicant should send it via registered mail and keep confirmation of doing so.
- The DDP must be submitted to the DAU within 90 days of the applicant receiving it. It can take several weeks or months for an eligible person to access ODSP benefits after the application is submitted, so it is important that applications are completed as soon as possible.
- Physicians can bill OHIP for completing the DDP for OHIP-eligible applicants, and can invoice the Ministry of Children, Community and Social Services (MCSS) for applicants not eligible for OHIP. Other health professionals can submit an invoice to MCSS.
- Applicants may have other ODSP forms such as requests for the Special Diet Allowance (see attached HALCO document), Pregnancy/Breastfeeding Nutritional Allowance, and Mandatory Special Necessities benefit. Health professionals should also help with these forms, and can be compensated for doing so.

HALCO provides free legal services for people living with HIV in Ontario. Please refer your patients living with HIV to us for help with ODSP or other legal issues.

Enclosure:

Information for Health Professionals: Completing ODSP/OW Special Diet Allowance Application Forms for People Living with HIV (HALCO, November 2024)

November 2024

Information for Health Professionals:

Completing ODSP/OW Special Diet Allowance Application Forms for People Living with HIV

Ontario Disability Support Program (ODSP) and Ontario Works (OW) recipients with particular health conditions are eligible for the Special Diet Allowance (SDA) of up to \$250.00 per month, in addition to other benefits. The Pregnancy/Breastfeeding Nutritional Diet is in addition to the SDA and requires a separate application form.

The forms can be completed by physicians, nurse practitioners, dietitians, and midwives, including traditional Indigenous midwives. Physicians can bill OHIP for completing the forms, and can invoice the Ministry of Children, Community and Social Services (MCSS) for applicants not eligible for OHIP. Other health professionals can submit an invoice to MCSS.

Considerations when completing the SDA application form

- If your patient has experienced either of the two levels of weight loss at any time since becoming HIV-positive, please indicate the appropriate weight loss category on page 3 of the form.
- Please do not circle HIV or indicate the specific weight loss condition(s) (there is no requirement to do so, and for privacy reasons it is important to not do so).
- The form allows you to indicate whether the special diet is required for 6 months, 12 months, or an indefinite period. ODSP has recognized the importance of the SDA for a recipient living with HIV who has experienced weight loss at any time since becoming HIV positive in order to maintain their weight on an ongoing basis. As there is no cure for HIV, please indicate “indefinite” for the length of time the diet is required.
- Please indicate all medical conditions that are relevant for your patient, including diets for other medical conditions.

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