Refusing to Undergo Medical or Surgical Treatment or Medical Examination

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This policy replaces the following PPM policies: Article 40(1) - Refusal to Undergo Medical or Surgical Treatment; Article 89(2) - Medical Examinations - Non-Compliance.

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Purpose

The purpose of this policy is to provide direction respecting the effects of an applicant or pensioner refusing to undergo medical treatment, surgical treatment or a major surgical operation, or a medical examination that is required by the Department.

Policy

Medical or Surgical Treatment

1. The disability pension to which an applicant or pensioner is entitled may be reduced by not more than one half if:
    a. the applicant or pensioner should undergo medical or surgical treatment; and
    b. the applicant or pensioner refuses to undergo that medical or surgical treatment; and
    c. the refusal is unreasonable.
2. Exception - An applicant’s or pensioner’s pension may not be reduced in situations where an applicant or pensioner refuses to undergo a major surgical operation.

Medical Examination

3. The disability pension to which an applicant or pensioner is entitled may be suspended if:
    a. the Department requires the applicant or pensioner to undergo the medical examination; and
    b. the applicant or pensioner refuses to undergo the medical examination; and
    c. the refusal is unreasonable.

4. The disability pension may be reinstated effective the date of suspension once the applicant or pensioner undergoes the required medical examination.
5. Increases or decreases to the disability pension amount may be required as a result of the medical examination. Such increases or decreases are payable the date of the pension medical examination or the date on which medical information establishes a change in assessment, whichever is the earliest date.

Notification to Applicant/Pensioner

6. Before a determination can be made that the refusal is unreasonable, an applicant or pensioner must be provided with an opportunity to provide reasons or arguments supporting the failure or refusal.

References

Pension Act, section 40; subsection 89(2)