

The Manitoba Health Appeal Board (the board) is an independent body established by The Health Services Insurance Act. The Legislature appoints members of the board, and board members are not employees or officials of Manitoba Health.

The board is responsible for hearing appeals under The Health Services Insurance Act and its regulations, The Emergency Medical Response and Stretcher Transportation Act and the Charges Payable by Long Term Patients Regulation 155/97, under The Mental Health Act.

## WHAT KIND OF APPEALS DOES THE BOARD HEAR?

The board hears a wide range of appeals from individuals.

### INSURED BENEFIT APPEALS

- if you are refused registration as an insured person under The Health Services Insurance Act
- if you are denied entitlement to a benefit under The Health Services Insurance Act (e.g., out-of-province medical service claims or transportation subsidies)

### HOME CARE APPEALS

- if you are dissatisfied with a regional health authority's decision regarding your eligibility, type or level of service under the Manitoba Home Care program

### AUTHORIZED/RESIDENTIAL CHARGE APPEALS

- if you are dissatisfied with Manitoba Health's review decision of an assessed authorized/residential charge (daily rate) in a personal care home, hospital or other designated health facility

### PERSONAL CARE HOME PLACEMENT DECISIONS

- if you are dissatisfied with a personal care home placement decision made by a regional health authority assessment panel

### OTHER TYPES OF APPEALS

relate to individuals who have been:

- denied financial assistance under the Manitoba Hepatitis C Compassionate Assistance program
- refused an approval to operate a laboratory, a specimen collection centre or a personal care home, or conditions have been imposed on the approval, or the approval has been revoked
- refused a licence to operate an emergency medical response system or a stretcher transportation service, or refused to act as an emergency medical response technician, stretcher attendant or ambulance operator, or have had the licence suspended or cancelled

### WHERE CAN I GET MORE INFORMATION ABOUT THE BOARD AND ITS APPEAL PROCESS?

You may contact the board office or obtain further information from the board's website.

#### Website information includes:

- answers to frequently asked questions
- terms and definitions
- hearing guide
- appeal forms, including various notice of appeal forms, the board's rules of procedure, representative authorization form, information checklist
- legislation
- annual report of the Manitoba Health Appeal Board

#### CONTACT US:

Manitoba Health Appeal Board  
Main Floor  
Room 102 – 500 Portage Avenue  
Winnipeg, Manitoba R3C 3X1

#### Office Hours:

8:30 a.m. to 4:30 p.m.  
Telephone: 204-945-5408  
Toll free: 1-866-744-3257  
Fax: 204-948-2024

#### Email:

appeals@gov.mb.ca

#### Website:

www.manitoba.ca/health/appealboard



JUSTICE  
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MANITOBA HEALTH  
APPEAL BOARD

**YOUR RIGHT  
TO APPEAL**

APPEAL  
APPELLANT  
JUSTICE  
RIGHTS  
EVIDENCE  
LEGISLATION

## HOW DOES A PERSON APPEAL A DECISION?

You can file your appeal with the Manitoba Health Appeal Board by either of the following:

- completing the appropriate notice of appeal form, which can be obtained from the board office or on its website, or
- writing a letter that states the decision you are appealing, the date you were notified of the decision, and the reasons why you are appealing

Your notice of appeal, together with a copy of the decision that is being appealed (if available), must be mailed, delivered or faxed to the board office within 30 days of receiving notice of the decision, or longer if the board permits. However, if a copy is faxed, the original notice of appeal must be subsequently mailed or delivered to the board office.

If your notice of appeal is filed after the 30-day period, you must also provide a written explanation for the late filing. This will assist the board in determining whether it will allow your appeal to be filed.

## CAN MY APPEAL PROCEEDINGS BE PROVIDED IN THE FRENCH LANGUAGE?

Yes, but you must notify the board office of this request before a hearing date is scheduled for your appeal.

## WHAT IF I NEED ACCOMMODATION FOR MY DISABILITY?

Upon request to the board office, arrangements will be made for an interpreter (including both language and ASL interpreters). The board will pay the costs for an interpreter.

Requests from parties to a hearing who, because of a disability, require the attendance of additional persons at the hearing, such as a note-taker and/or attendant or support person, will be reasonably accommodated by the board. However, you must notify the board office of your disability-related needs before a hearing date is scheduled. The board will not be responsible for any costs associated with the attendance of support persons or attendants at the hearing.

## HOW DOES THE BOARD ENSURE A FAIR PROCESS?

To remain independent and impartial, the board does not have any contact with the parties to an appeal (e.g., the appellant, who is the person appealing the decision; or the respondent, who is the agency and its staff who originally made the decision that is being appealed), until the actual time of the appeal hearing. Board members and staff do not participate in the preparation of appeals for anyone and will not discuss the merits of an appeal before the hearing. However, the board's staff can be contacted to discuss an issue related to the procedures for appeals. The board's staff will also remain in contact with all parties regarding hearing dates and times.

## WHAT IS THE BOARD'S PROCEDURE FOR HEARING APPEALS?

The board follows established Rules of Procedure for appeal hearings. The Rules of Procedure are provided to the parties in advance of the hearing date.

All parties have the right to attend the hearings in person. They also have the right to be represented by legal counsel, or another person of their choice, or an individual who has the authority to act on behalf of a party.

Parties are entitled to submit written documentation (evidence) in advance of the hearing, but within the time limits that are established by the board. Parties may also bring a witness(es) to the hearing to give evidence about the issues under appeal. The board will not be responsible for any costs associated with the attendance of witnesses at the hearing.

At the hearing, each party is given an opportunity to make an oral submission to the board and to have their witnesses give evidence. Each party is also allowed to ask questions of the other party and their witnesses. The board will also ask questions of both parties and witnesses. If a party does not attend the hearing, the board will base its decision on the notice of appeal and any other written material that was filed by that party before the hearing.

After the hearing, the board members meet privately to discuss the written and oral evidence and submissions made by the parties and make a decision.

## WHAT TYPES OF DECISIONS CAN THE BOARD MAKE?

The board may confirm, set aside or vary the original decision in accordance with the provisions of The Health Services Insurance Act and the regulations. The board may also refer the matter back to the authority that made the decision for further consideration, with or without instructions.

## ARE THE BOARD'S DECISIONS FINAL?

Yes, the board's decisions are final. However, a request for a judicial review of the process can be made to the Court of Queen's Bench.

## WHEN AND WHERE DOES THE BOARD MEET?

The board holds its hearings weekly at 102 – 500 Portage Avenue in Winnipeg. The board will consider reasonable requests to hold appeal hearings in another location in Manitoba.

## WHAT IF I CAN'T ATTEND THE HEARING?

If you are unable to attend the hearing in person, you may request to participate by way of teleconference call or videoconference (where available). You must contact the board office well in advance of the hearing date to request these arrangements.

## POSTING DECISIONS ON-LINE.

Redacted appeal decisions are posted on the Canadian Legal Information Institute website ([www.canlii.org/en/mb/](http://www.canlii.org/en/mb/)) for the purpose of transparency, fairness, educational and research value.