

Non-Compliance with Health Care Treatment

Effective Date: July 2006

Authorization: Nancy Lawand, A/Director General, CPP Disability

Table of Contents

1. Purpose
2. Background
3. What's New
 - o 3.1 What's Been Replaced
4. Policy
 - o 4.1 Non-Compliance with Health Care Treatment
 - o 4.2 Voluntary Compliance
 - o 4.3 Determining Whether Non-Compliance is Reasonable
 - o 4.4 Refusal or Failure to Follow Recommended Health Care Treatment
 - o 4.5 Reasons for Non-Compliance with Health Care Treatment
 - 4.5.1 Multiple Stressors in Life
 - 4.5.2 Cognitive Difficulties or Mental Health Illness
 - 4.5.3 Knowledge and Understanding of Health Care Protocol
 - 4.5.4 Adverse or Side Effects of Health Care Treatment
 - 4.5.5 Risk Associated with Health Care Treatment
 - 4.5.6 Financial Constraints
 - 4.5.7 Chronic Medical Condition
 - 4.5.8 Transportation Limitations, Geographical Location, Lack of Social Supports
 - 4.5.9 Availability of Health Care Resources
5. Procedures
6. Tools

- o 6.1 [SDA Assist](#)
- 7. [References](#)
 - o 7.1 [Legislation/Regulations](#)
 - o 7.2 [Related Policy Directives](#)
 - o 7.3 [National Program Training Package](#)
- 8. [Inquiries](#)
- 9. [Feedback](#)

1. Purpose

This guideline provides a framework for evaluating non-compliance with health care treatment when determining eligibility and continuing eligibility for Canada Pension Plan (CPP) disability benefits.

2. Background

Health care providers who offer investigation and treatment recommendations include physicians, nurse practitioners, nurses, psychologists, mental health workers, dietitians, physiotherapists, occupational therapists, and chiropractors.

The recommendations are based on current standards of medical practice. Treatment recommendations are intended to result in an improvement in functioning of a bodily system and thus diminish the negative effects of impairment on personal, social, and work related activities. Treatment recommendations are based on current standards of medical practice.

Following a prescribed course of treatment for a medical or psychological condition can be challenging. Many factors can make adherence to health care recommendations difficult, including busy schedules, personal and financial pressures and being able to remember and dutifully follow instructions. Not following recommended treatment can affect an individual's health and ability to function.

Non-compliance with recommended treatment modalities becomes a significant problem when it results in preventing improvement, worsening of a person's condition and/or increasing complications.

On the other hand, individuals have the right to make personal choices in their investigation and treatment options, and to refuse or disregard investigation and treatment recommendations that may appear unreasonable to them because they pose a real or perceived risk.

3. What's New

This policy provides comprehensive direction to Medical Adjudicators for considering the impact of non-compliance with health care treatment in the determination of eligibility for CPP disability benefits.

3.1 What's Been Replaced

This policy replaces all previous CPP policy advice provided to Medical Adjudicators on health care non-compliance and all memos, operational bulletins, procedures and tools not identified or linked to this policy.

4. Policy

The determination of eligibility or continuing eligibility for CPP disability benefits will include the assessment of the impact of non-compliance with recommended treatment on the individual's ability to work. Non-compliance with health care treatment is an element to be considered and is generally not the sole reason for denying benefits.

This policy provides direction on the assessment of the various factors that may lead to non-compliance by a client with health care treatment recommendations. Any combination of these factors will need to be considered in assessing the client's decision about complying with health care treatment.

4.1 Non-Compliance with Health Care Treatment

Non-compliance with health treatment is the failure or refusal to accept and follow investigation or treatment recommendations. Non-compliance with health care treatment can include:

- Not attending investigation or treatment appointments;
- Not taking prescribed medications;
- Not accepting to undergo surgical interventions;
- Not accepting other specialized forms of treatment (e.g. radiation, physiotherapy, OT, psychotherapy and counselling, substance abuse programs etc.);
- Not adhering to dietary recommendations; and
- Inconsistent adherence to an exercise regimen.

4.2 Voluntary Compliance

Compliance with health care treatment is a personal health issue between the client and

his/her health care provider. The decision to comply with treatment is an ethical and legal question involving informed valid consent. It implies that a patient, after having been informed of the benefits/risks, has the right and freedom to make his/her own treatment decisions and deal with the consequences of these decisions.

4.3 Determining Whether Non-Compliance is Reasonable

The Medical Adjudicator should analyze the reason or reasons for non-compliance. Once identified the reason or reasons must be analyzed to determine whether or not to accept them as reasonable. In addition, the Medical Adjudicator must assess the extent to which the non-compliance with health care treatment has had or will have a direct impact on the individual's capacity to work.

The assessment of compliance with treatment should not rely solely on expectations of what appropriate treatment might be for a given illness or impairment. It is the actual treatment recommendations documented on file which must form the basis of an evaluation of a client's compliance. If there are ambiguous recommendations or contradictory recommendations further assessment is required through the consultative process.

4.4 Refusal or Failure to Follow Recommended Health Care Treatment

"Reasonable cause or efforts" are present where the known facts and circumstances are such that a reasonable person in the same situation would make a similar decision or exhibit similar behaviour. The determination is made on a case by case basis.

If an individual refuses or fails to follow recommended treatment, it must be determined whether or not the reason for non-compliance constitutes "reasonable cause". In addition, it must be determined if the individual made "reasonable efforts" to follow recommended treatment.

4.5 Reasons for Non-Compliance with Health Care Treatment

An individual's failure to comply with recommended health care treatments can be affected by a number of factors which need to be documented and assessed to determine the impact on the capacity to work.

The Medical Adjudicator is to consider the following factors when determining reasonable cause or effort:

4.5.1 Multiple Stressors in Life

Disabled clients may have difficulty coping with stressful life situations. This may be a combination of lack of child care, transportation problems, lack of financial and/or social supports. All of these factors can adversely affect compliance with health care treatment.

recommendations.

4.5.2 Cognitive Difficulties or Mental Health Illness

An illness, injury or the effect of medications can hamper an individual's cognitive ability to evaluate the benefits, risks and nature of health care treatments. The extent of this cognitive impairment needs to be understood before making a determination about non-compliance.

4.5.3 Knowledge and Understanding of Health Care Treatment Protocol

An individual may not completely understand the benefits, risks and nature of treatment recommendations due to problems with literacy and cultural or language barriers.

4.5.4 Adverse Side Effects of Health Care Treatment

There may be well documented adverse side effects of treatment. The Medical Adjudicator should make an evaluation of the magnitude of these adverse side effects to determine whether it constitutes a reasonable reason for non-compliance.

4.5.5 Risk Associated with Health Care Treatment

There are varying degrees of risk associated with any health care treatment. The degree of risk is dependent on the type of health care treatment. The degree of risk associated with well known and conventional treatments may be lower than the degree of risk associated with experimental treatment. The degree of risk associated with medications, physiotherapy, exercise programs etc. may be lower than the degree of risk associated with major surgery or other invasive health care treatments. The degree of risk associated with a health care treatment may be higher if the individual has multiple medical conditions where the health care treatments for each particular medical condition may increase the risk of complications.

4.5.6 Financial Constraints

Not all forms of health care treatment are financially subsidized by the public or private health care systems in Canada. Not all CPP clients have access to extended health care coverage. Although an individual might choose to be compliant with the health care treatment, their financial situation may be such that they cannot afford to pay directly for the health care treatment, if that is the only way it can be accessed.

4.5.7 Chronic Medical Condition

An individual with a chronic medical condition for an extensive period of time may have tried health care treatments in the past that were unsuccessful and may be reluctant to

follow the recommended treatment again.

4.5.8 Transportation Limitations, Geographical Location, Lack of Social Supports

An individual's access to appropriate transportation to attend health care assessment or treatment needs to be considered in assessing non-compliance.

An individual may not have access to health care treatment because of where they live. Urban areas have greater accessibility in terms of the availability of a wide range of services, proximity to services and continuity of care for health care treatment. An individual in a rural or remote area may not have access to regular health care treatment services and facilities and the range of services may be limited or require long-distance travel.

An individual may not have family and/or community supports that enable him/her to participate in health care treatment.

4.5.9 Availability of Health Care Resources

An individual may not have access to the appropriate medical facility, institution or clinic because financial pressures on the health care system have resulted in significant rationing or the elimination of certain treatments. For example, there may be long waiting lists for access to the required health care treatments that make it impractical to expect the individual to comply.