

MEMORANDUM

TO: Cordelia Abankwa-Harris
Director, Policy & Program Support
Community Services and Housing

FROM: Barbara Bridle
Committee Coordinator

DATE: May 30, 2007

RE: **York Region Transit Mobility Plus Appointment of Eligibility Appeal Panel**

Regional Council, at its meeting held on May 24th, 2007, adopted, without amendment, the following recommendations of the Transit Committee regarding the above-noted matter:

1. That Ron Burrows be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel as the representative from the disabled community.
2. That Wendy Kirkos be appointed on an interim basis as the medical health practitioner representative on the Panel, and that staff continue the process of recruiting a permanent appointee by advertising through local medical associations, and further that the Regional Chair be authorized to make a permanent appointment to this position upon receipt of a recommendation from staff.
3. The terms of reference for the Mobility Plus Eligibility Appeal Panel (see *Attachment 2*) be adopted, and that they be reviewed in one year with input from the Region's Accessibility Advisory Committee.
4. The Regional Clerk forward this report to the Region's Accessibility Advisory Committee for information.

Attached please find the Council Extract and Minute No. 103 of Clause No. 5, Report No. 4 of the Transit Committee.

Please confirm if you would like this communication placed on the next AAC Committee agenda for June 20, 2007.

Attachment (1)

Copy to: Don Gordon, General Manager, York Region Transit

Clause No. 5 in Report No. 4 of the Transit Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on May 24, 2007

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YORK REGION TRANSIT MOBILITY PLUS APPOINTMENT OF ELIGIBILITY APPEAL PANEL

(Regional Council adopted Minute 103 at its meeting of May 24, 2007, appointing Mr. Ron Burrows to the York Region Transit Mobility Plus Eligibility Appeal Panel as the representative from the disabled community, and Ms. Wendy Kirkos on an interim basis as the medical health practitioner representative.)

The Transit Committee recommends the adoption of the recommendations contained in the following report, May 1, 2007, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The individual identified in *Attachment 1* be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel as the representative from the disabled community.
2. The individual identified in *Attachment 1* be appointed on an interim basis as the medical health practitioner representative on the Panel, and that staff continue the process of recruiting a permanent appointee by advertising through local medical associations, and further that the Regional Chair be authorized to make a permanent appointment to this position upon receipt of a recommendation from staff.
3. The terms of reference for the Mobility Plus Eligibility Appeal Panel (see *Attachment 2*) be adopted, and that they be reviewed in one year with input from the Region's Accessibility Advisory Committee.
4. The Regional Clerk forward this report to the Region's Accessibility Advisory Committee for information.

2. PURPOSE

The purpose of this report is to update Transit Committee and Regional Council with respect to the appointment of the Mobility Plus Eligibility Appeal Panel and to present a terms of reference for the panel for Council adoption.

3. BACKGROUND

In January, 2006, staff reported to Transit Committee and Regional Council on the Mobility Plus eligibility and application process. Among other things, the report recommended the introduction of a formal eligibility appeal process and a quality assurance process to ensure the fair and equitable application of the eligibility criteria. Staff were also authorized to advertise for prospective appointees to the Eligibility Appeal Panel.

Since then, the Region has been the subject of an Ontario Human Rights Commission complaint regarding an application for use of the Mobility Plus service that had been denied by staff. The complaint was ultimately resolved subject to a terms of settlement in which the Region agreed to implement an independent appeal panel.

4. ANALYSIS AND OPTIONS

4.1 Current Application Process

Mobility Plus currently employs a two-part application process in which the applicant first responds to a series of questions related to their ability to use or not use regular public transit. The second part of the application is completed by a medical practitioner and relates to the nature of the disability, its severity and duration.

Some 200 applications are received each month and are reviewed by Mobility Plus staff. Approximately 83% of the applications are approved, with the remainder going through a process to verify information on the application form. In the end, only about 2% of applications are denied outright. Currently, there is no appeal mechanism for applicants who are denied service, other than to request a further staff review.

In the 2006 report, staff recommended the creation of a three-member panel to hear eligibility appeals. The recommended make-up of the panel was one representative from the disabled community, a medical health practitioner and the Manager of Mobility Plus. It was further recommended that a quality assurance program be put in place to ensure a fair and equitable application of the eligibility criteria through an independent random auditing of applications. These audits would be carried out under the direction of the Region's Internal Audit branch.

Mobility Plus staff are currently updating the application form in an effort to make it simpler for applicants to use. This has been done with input from the Region's own Accessibility Advisory Committee (AAC) and from many of the local AACs. The eligibility criteria themselves are not changing at this time, however, staff will be reporting back on the results of the ongoing work of the Transportation Standards Development Committee established pursuant to the Accessibility for Ontarians with Disabilities Act (AODA) 2005, since eligibility is an issue they are investigating.

4.2 Panel Recruitment

Advertisements to recruit Panel members were placed in the York Region Newspaper Group newspapers throughout the Region in early March, 2007. Only one application was submitted and it was from a person representing the disabled community. No applications were received from medical health practitioners.

An interview panel, comprised of Lisa Gonsalves, Senior Program Manager of ODA, Joy Hulton, Regional Solicitor, Jennifer Johnston-Heikamp, HR Consultant, and Don Gordon, YRT General Manager, was established. The sole applicant was interviewed and is being recommended for appointment to the Appeal Panel as the representative from the disabled community. Successful reference checks were completed for this individual.

Since there were no applications to fill the medical health practitioner's role on the panel, staff are recommending that, as an interim measure, a staff member from the Region's Health Department be appointed to the position. A second recruitment effort will be undertaken to fill the position on a permanent basis by advertising through local medical associations. It is further recommended that the Regional Chair be authorized to appoint the successful candidate to this position. It should be noted that the medical practitioner appointee can include a medical doctor, registered nurse, registered physiotherapist, or registered social worker.

4.3 Terms of Reference

A terms of reference has been drafted for the Mobility Plus Eligibility Appeal Panel and is attached as *Attachment 2*.

Key elements of the terms of reference include:

- A mandate statement as follows: "The York Region Transit Mobility Plus Appeal Panel shall be established to hear appeals from applicants who have been deemed ineligible to receive Mobility Plus service. The appeal process is intended to ensure that applications are dealt with in a fair and transparent manner, and decisions are made in accordance with established criteria."
- The panel composition, which includes a person from the disabled community, a medical health practitioner and the Manager of Mobility Plus.
- A specified term which is one year in length, renewable on an annual basis to a total of four years, to coincide with the term of Regional Council.

4.4 Relationship to Vision 2026

A goal of Vision 2026 is the need to have an effective, efficient and environmentally sensitive transportation system to improve transportation opportunities for residents within the Region. Action areas include the development of an integrated transportation network and making transit accessible. The appointment of a formal Eligibility Appeal Panel is supportive of this goal and the action areas noted.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There is no direct local municipal impact associated with this report.

7. CONCLUSION

The appointment of a Mobility Plus Eligibility Appeal Panel is an important initiative that will ensure an open and fair eligibility process for residents of York Region with disabilities. It is therefore recommended that the Panel be appointed as noted in this report and that the terms of reference for the panel be adopted.

For more information on this report, contact Don Gordon, General Manager, (ext. 5625), Transit Branch of the Transportation and Works Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)

RECOMMENDATIONS 1 AND 2

1. Mr. Ron Burrows of Richmond Hill be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel as the representative from the disabled community.
2. Ms. Wendy Kirkos, Manager, Workplace Wellness Program at York Region, be appointed on an interim basis as the medical health practitioner representative on the Panel, and that staff continue the process of recruiting a permanent appointee by advertising through local medical associations, and further that the Regional Chair be authorized to make a permanent appointment to this position upon receipt of a recommendation from staff.

YORK REGION TRANSIT MOBILITY PLUS ELIGIBILITY APPEAL PANEL TERMS OF REFERENCE

1.0 MANDATE

The York Region Transit Mobility Plus Eligibility Appeal Panel shall be established to hear appeals from applicants who have been deemed ineligible to receive Mobility Plus service. The appeal process is intended to ensure that applications are dealt with in a fair and transparent manner, and decisions are made in accordance with established criteria.

1.1 York Region Transit Mobility Plus Mandate

YRT Mobility Plus provides specialized public transit services to individuals who, due to a physical or functional limitation, are unable to use conventional transit services.

2.0 DEFINITIONS

2.1 “appeal” means:

to apply for review of an application by the York Region Transit Mobility Plus Eligibility Appeal Panel after an applicant has been deemed ineligible. The appeal must concern a decision regarding eligibility, level of eligibility, or type of assistance required. Three (3) conditions must be met before the Eligibility Appeal Panel accepts an application for review:

- (a) The appeal must be made within 40 days following receipt of the initial decision;
- (b) The appeal must be made by the applicant or his/her representative;
- (c) The decision contested must be based on the analysis of the complete file including the original application.

2.2 “conventional” means:

- (a) fixed routes that may or may not use low-floor, accessible buses;
- (b) passengers must be able to get themselves to and from the bus stop;
- (c) passengers must be able to board/alight 3 steps.

2.3 “medical practitioner” means:

Someone who practices medicine as a licensed physician, or who is a licensed optometrist/opthamologist, certified rehabilitation specialist, chiropractor, physiotherapist, registered occupational therapist, licensed physical therapist, registered nurse, certified psychologist, or a social worker.

2.4 “person from the disabled community” means:

Someone with a physical disability, or functional limitation, including visual, sensory or cognitive disabilities.

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2.5 “physical or functional limitation” means:

any condition, either short term or long term (e.g. paraplegia), that prevents the individual from using conventional transit services and may include physical, visual, sensory, and cognitive disabilities, as well as individuals undergoing dialysis treatments. Individuals with cognitive disabilities, such as Alzheimers and Downs Syndrome, are eligible for service to and from day programs and work placements only.

2.6 “shared-ride” means:

- (a) the linking of two or more passengers into a single vehicle;
- (b) other customers may be on board during the trip;
- (c) route of travel may be altered so other customers can be accommodated;
- (d) vehicle may stop and pick up other passengers as it travels to a destination all within the parameters set by the Region.

2.7 “specialized” means:

pre-booked, shared-ride, door-to-door transit services.

3.0 RESPONSIBILITY

The primary responsibility of the Eligibility Appeal Panel is to review applications for use of the Mobility Plus Service.

The Eligibility Appeal Panel will base its decision on an appeal on the basis of new information provided by the applicant and/or a clarification of previously submitted information.

Appeals based simply on compassionate grounds will not be considered.

The Eligibility Appeal Panel may be asked to review the application form and suggest changes.

3.1 Declarations

Eligibility Appeal Panel members will be expected to carry out their duties in an objective manner and must declare any personal interests or potential conflicts when carrying out their duties.

4.0 ELIGIBILITY APPEAL PANEL APPOINTMENT CRITERIA

The Eligibility Appeal Panel will consist of three (3) members: the Manager of Mobility Plus, a Medical Health Practitioner (appointed), and a Person from the Disabled Community (appointed).

The two (2) appointees must be current residents of York Region, Canadian citizens, and at least 18 years of age.

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They must also have the ability to meet at least once a month, including during business hours.

Appointees must have a demonstrated history of community service in York Region.

5.0 QUALIFICATIONS

Each appointee will have:

- (a) An understanding of the different types of disabilities and the functional characteristics of each.
- (b) An understanding of the eligibility criteria for York Region Transit Mobility Plus.
- (c) An awareness and understanding of the principles supporting the development and delivery of accessible conventional public transit and specialized public transit.
- (d) An understanding of the Appeal process.

6.0 TERM OF APPOINTMENT

The term of appointment will be one year, and may be renewed annually for a total term of four (4) years, in which case it shall coincide with the term of Regional Council. Vacancies will be solicited from the community at large, through an application process, with expertise and experience specific to the needs of the Eligibility Appeal Panel. Appointments shall be confirmed by Regional Council.

Vacancies before the term is complete will first be filled from the review of prior applications and, if not successful, from an appeal to the community at large for further applicants. The Regional Chair shall have the authority to appoint individuals to vacant positions.

Membership will be reviewed annually by Regional Council, and will be evaluated based on the members' ability to carry out panel responsibilities and based on their attendance.

7.0 QUORUM

A quorum for a meeting shall be all three (3) of the appointed members.

8.0 CHAIR

The Chair will be on a rotating basis with each member of the Panel taking a turn.

9.0 VOTING

The decision(s) of the Eligibility Appeal Panel will be final and shall be based on a majority vote. Decisions will be rendered within 40 days of receiving the appeal request. The decision is without further appeal for one (1) year unless the Eligibility Appeal Panel receives additional information affecting the person's ability to access conventional

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transit (e.g. accident, surgery, dialysis, etc.) or there is a change in medical status that may affect the person's eligibility.

A record shall be maintained of all Eligibility Appeal Panel meetings and decisions taken.

10.0 MEETINGS

Meetings are to be held at least once a month at the South Services Centre located at 50 High Tech Road, Richmond Hill.

10.1 Resources

Staff support for the Eligibility Appeal Panel will be provided by the Transit branch and by the Regional Clerk's Office, which will maintain a record of all meetings. Other Regional departments and branches will be consulted on an as-needed basis.

11.0 ATTENDANCE AT MEETINGS

Appointees of the Eligibility Appeal Panel may be required to tender their resignation from this panel if they cannot attend three (3) consecutive meetings without prior confirmation or for confirmed health reasons.

12.0 AGENDAS

Agendas will be based on the Appeals requested. All Appeals will be numbered and will not be identified by name.

13.0 REIMBURSEMENT OF EXPENSES

- (a) Members of the Eligibility Appeal Panel serve without remuneration, but will be compensated by the Region for any approved travel expenses related to carrying out their duties as an appointee.
- (b) Members who are persons with disabilities will be provided with the resources related to their disability and that are deemed necessary for them to fully participate in the Panel (e.g. sign language interpretation services, Braille translation services, transportation, support care services, etc.).

14.0 EVALUATION AND REVIEW

The Terms of Reference for the Eligibility Appeal Panel shall be approved by Regional Council and will be reviewed after the first year with input from the Region's Accessibility Advisory Committee. They may be modified after the release of the regulations of the Accessibility for Ontarians with Disabilities Act, 2005, and/or the repeal of the Ontarians with Disabilities Act, 2001. Such modifications shall be approved by Regional Council.

Created May, 2007