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YORK REGION TRANSIT MOBILITY PLUS APPOINTMENTS TO ELIGIBILITY APPEAL PANEL

(Regional Council at its meeting on February 19, 2009 received and made public the private attachment to this Clause and that:

- 1. Albert Ganesh be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel as a disabled community representative;***
- 2. Keith Tse be appointed as the medical health practitioner representative on the Panel; and***
- 3. Lana Ricci be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel as a disabled community representative replacing the Manager, Mobility Plus.)***

The Transit Committee recommends the adoption of the recommendations contained in the following report dated January 29, 2009, from the Regional Solicitor and the Commissioner of Transportation Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council approve the amended Terms of Reference in *Attachment 1* for the Mobility Plus Eligibility Appeal Panel, changing the composition of the panel by removing the Manager, Mobility Plus and appointing a third citizen member.
2. The individuals identified in the private *Attachment 2* be appointed to the York Region Transit Mobility Plus Eligibility Appeal Panel.
3. The Regional Clerk forward this report to the Region's Accessibility Advisory Committee for information.

2. PURPOSE

This report recommends the amendment of the Mobility Plus Eligibility Appeal Panel Terms of Reference to revise the panel's composition, and also recommends the appointment of three new members to the panel.

3. BACKGROUND

The continuation of a formal eligibility appeal process is necessary to ensure fair and equitable application of Mobility Plus eligibility criteria

In May 2007, Regional Council authorized the introduction of a three-member panel to hear eligibility appeals from applicants who have been deemed ineligible to receive Mobility Plus service. This panel is intended to ensure transparency and that decisions are made in accordance with the established criteria.

The recommended make-up of the original panel was:

- A representative from the disabled community.
- A medical health practitioner.
- The Manager of Mobility Plus.

Advertisements to recruit members were placed in the local newspapers but only one application, from a member of the disabled community, was received.

Since there were no applications to fill the medical health practitioner's role on the panel, staff recommended that, as an interim measure, a staff member from the Region's Health Department be appointed to the position.

In October 2008, the member of the disabled community resigned his position on the panel for health reasons. The interim staff member from the Region's Health Department also asked to be relieved of her duties due to work commitments.

4. ANALYSIS AND OPTIONS

Appeal panel activity has been limited since its inception

Although the appeal panel was established in May 2007, there were no eligibility applications referred to it until May 2008. Since then, there have been four appeals, with an additional four currently awaiting panel review.

The most recent pending appeals are related to a May 2008 change in the definition of "appeal" to include applicants who have had their eligibility either terminated (e.g. after being audited and deemed ineligible) or changed (e.g. now requires an attendant) by Mobility Plus.

Every effort is made by YRT Mobility Plus staff to eliminate any unnecessary wait time for approval of the Mobility Plus service. Denied applicants have the opportunity to be assessed, in person, by a Regional Public Health Nurse, before filing an official appeal to the Panel. This is the same nurse that reviews all applications received by Mobility Plus.

A change in the composition of the appeal panel is required to ensure the appearance of a fair and transparent process

Staff has had discussions with the Human Rights Tribunal of Ontario and various stakeholders regarding the appeal panel composition. The Tribunal noted that there may be the appearance of bias since one panel member (the Manager of Mobility Plus) is an employee of the Region. The Tribunal also recommended that the Region should consider removing the Manager of Mobility Plus as a voting member of the panel, and instead, that the Manager participate in the hearing by providing evidence and responding to inquiries from the panel members regarding services, policies, criteria, etc.

Staff, therefore, recommends that the composition of the panel be amended to remove the Manager, Mobility Plus, and replace that vacancy with a third citizen member, who is a person with a disability, as outlined in the amended Terms of Reference (see *Attachment 1*).

Eligibility Appeal Panel recruitment efforts have been undertaken to fill the two vacant positions

Advertisements to recruit panel members were placed in the York Region Newspaper Group newspapers throughout the Region in October 2008. Only two applications were received (one representing the disabled community and the other being a medical health practitioner). As a result, local medical associations were contacted and requested to place the advertisement in their periodicals for distribution to their members.

Hoping to solicit further interest in the panel, an ad was also placed in the 2009 Mobility Plus Calendar, which was mailed to all registered passengers in December 2008. In addition, all municipal Accessible Advisory Committees were made aware of the recruitment.

As a result, additional applications were received, and an interview panel, comprised of Don Gordon, YRT General Manager, and Joy Hulton, Regional Solicitor, was established. The applicants were interviewed on January 13, 2009, and it is recommended that the individuals named in *Attachment 2* be appointed to the appeal panel. Successful reference checks were completed for these individuals.

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 members to the Eligibility Appeal Panel is supportive of this goal.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

7. CONCLUSION

The Mobility Plus Eligibility Appeal Panel is an important initiative that will ensure an open, fair and transparent eligibility process for all applicants of the specialized transit service in York Region. It is, therefore, recommended that the appeal panel be appointed as noted in this report, including the necessary amendment to the panel terms of reference.

For more information on this report, please contact Sharon Doyle, Manager, Mobility Plus, at Ext. 5634.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)