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AMENDMENTS TO MOBILITY PLUS ELIGIBILITY APPEAL PANEL TERMS OF REFERENCE

The Transportation Services Committee recommends the adoption of the recommendations contained in the following report dated November 3, 2009, from the Commissioner of Transportation Services and the Regional Solicitor.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council approve the amendment to the Mobility Plus Eligibility Appeal Panel Terms of Reference to read as follows:
7.0 Quorum
A quorum for a meeting shall be two (2) of the appointed members.
One of the two (2) quorum members must be the medical practitioner.
2. The Regional Clerk forward this report to the Region's Accessibility Advisory Committee for information.

2. PURPOSE

This report presents amendments to the Terms of Reference for the Mobility Plus Appeal Panel to ensure decisions by the panel are rendered within the 40 days of receiving an appeal request.

3. BACKGROUND

Mobility Plus Eligibility Appeal Panel and Terms of Reference were approved and adopted by Regional Council in May 2007

Regional Council authorized the introduction of a formal Eligibility Appeal Process and Quality Assurance Process to ensure fair and equitable application of the Eligibility Criteria. In May 2007, the Mobility Plus Eligibility Appeal Panel was appointed by Regional Council and the Terms of Reference for the Appeal Panel were adopted.

Regional Council approved amendments to the Terms of Reference to ensure consistency with eligibility criteria

In April 2008, Regional Council approved amendments to the Terms of Reference to ensure they are consistent with the eligibility criteria approved by Regional Council in 2006.

The definition of “appeal” was clarified to ensure the scope of the Appeal Panel’s jurisdiction is clear. The definition of “conventional transit” was amended to ensure consistency in the application of the eligibility criteria and there was a recommendation to clarify the application of the eligibility criteria particularly as it applies to persons with cognitive disabilities.

In February 2009, Regional Council approved a change in the composition of the Panel to include a third citizen

It was approved by Regional Council that the Manager be removed as a voting member of the panel but instead participate in the hearing by providing evidence and responding to inquiries from the panel members regarding services, policies, criteria, etc.

The vacancy would be filled by a third citizen member.

In 2009 Mobility Plus has approved approximately 1100 applications and denied 89

Out of those 89 denied applications, four appeals have been heard with two pending.

4. ANALYSIS AND OPTIONS

Further amendments are recommended to enable an Appellant to receive a decision within 40 days

The Terms of Reference presently states:

- A quorum for a meeting shall be all three (3) of the appointed members.
- Decisions will be rendered within 40 days of receiving the appeal request.

It has been brought to the Region’s attention that one of the panel members is unable to fulfill their duties until early 2010 because of illness. The member has expressed the desire to remain on the Panel with hopes the Region can accommodate the member until their health allows them to return.

To ensure decisions are rendered on a timely basis and the current panel member has an opportunity to return to the position as an appointed member, it is recommended the

quorum as stated in the Terms of Reference be amended from three to two appointed members with one of the members being the medical health professional.

This recommendation will alleviate delays in the hearing of appeals in the event of illness, vacation or some other unforeseen circumstance. The medical expertise of the panel will not be compromised with the inclusion of the health care professional at all hearings.

5. FINANCIAL IMPLICATIONS

There are no costs associated with the recommended amendments to the Terms of Reference.

6. LOCAL MUNICIPAL IMPACT

There are no direct local municipal implications associated with this report.

7. CONCLUSION

The Mobility Plus Eligibility Appeal Panel is an important initiative that ensures an open and fair eligibility process for residents of York Region with disabilities. The amendments to the Terms of Reference assist the panel in providing the level of customer service expected by the residents of the Region. It is therefore recommended the amended Terms of Reference be approved.

For more information on this report, please contact Sharon Doyle, Manager, Mobility Plus at Ext. 5634 or Joanne Mitchell, Associate Counsel at Ext. 1406.

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

DRAFT (SUBJECT TO COUNCIL APPROVAL)

**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 or eligible with restrictions. 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 public transit” means:

Accessible fixed route public transit and includes the family of services offered by York Region Transit, including Viva (*see Schedule 1*).

2.3 “level of eligibility” means:

The level of Mobility Plus service (*see Schedule 2*) for which the applicant is eligible based on the information provided in the application.

2.4 “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.

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2.5 “person from the disabled community” means:

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

2.6 “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.

2.7 “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.

2.8 “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 render its decision on an appeal on the basis of new information provided by the applicant and/or a clarification of previously submitted information.

3.1 Eligibility Criteria

Decisions of the Eligibility Appeal Panel must be based on the following eligibility criteria as approved by Regional Council:

An individual is eligible for Mobility Plus if he/she is unable to use conventional public transit due to a physical or functional limitation. Eligibility is considered on a case by case basis and is not based on a particular disability, nor is it based on income level or lack of accessible conventional public transit in the applicant’s area.

Applications who are otherwise ineligible for Mobility Plus because they are able to use the conventional public transit, may be eligible for trips to/from approved day programs/work placements. Written confirmation from a placement agency is required.

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The level of eligibility is to be determined based on the information in the application and any additional information provided to the Panel.

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.

3.2 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. Members are required to maintain confidentiality with respect to Appeal Panel proceedings and to adhere to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

4.0 APPEAL PANEL APPOINTMENT ELIGIBILITY CRITERIA

The Eligibility Appeal Panel will consist of three (3) members: a Medical Health Practitioner (appointed), and 2 persons from the Disabled Community (appointed).

The three (3) appointees must be current residents of York Region, Canadian citizens, and at least 18 years of age.

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.

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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 two (2) of the appointed members. One (1) of the two (2) quorum members must be the medical practitioner.

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

The Panel will endeavour to reach decisions by consensus but if consensus is not reached, a decision will be determined by majority vote.

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

10.0 MEETINGS

Meetings are to be held at the South Services Centre located at 50 High Tech Road, Richmond Hill or the Administrative Centre at 17250 Yonge Street, Newmarket. Meetings are closed to the public.

10.1 Resources

Staff support for the Eligibility Appeal Panel will be provided by the Transit branch, Legal Services and 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.

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11.0 ATTENDANCE AT MEETINGS

Attendance of all three (3) members is required in order for a hearing to proceed. Members are required to notify the Clerks office promptly if they are unable to attend a scheduled meeting due to unforeseen circumstances.

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.

Revised November 2009

e-docs #1267766

YORK REGION TRANSIT FAMILY OF SERVICES

CONVENTIONAL SERVICES

Accessible Fixed-Routes:

Viva is an accessible rapid transit system connecting Markham, Richmond Hill, Vaughan, Aurora and Newmarket; and also links York Region with Toronto and its subway system, GO Transit and the Region of Peel.

On the conventional transit system, the majority of transit routes throughout the Region are deemed accessible and are serviced with low-floor buses. Low-floor buses are equipped with a ramp, have no entry steps and have a kneeling feature that lowers the entry level for customers who use walkers, crutches or who have difficulty climbing stairs.

Transit Training:

Travel training empowers people to use conventional transit services by providing knowledge, skills and confidence. It provides participants with the necessary knowledge for making use of the accessible fixed-route services. Included in the information session is: planning an accessible fixed-route trip, reading related schedules, recognizing bus numbers and stops, boarding and de-boarding accessible conventional buses, and safety. It also provides a higher level of assistance offered to people, often with cognitive disabilities, who need more rigorous support to learn to use regular fixed-route transit to complete their daily travel.

Community Bus:

Community bus service is specially designed to serve the needs of seniors and persons with mobility challenges. Service is provided, where possible, to the doors of specified seniors' residences, medical facilities and shopping centres. Vehicles are low-floor with no steps and full accessibility.

Dial – a – Bus:

These services are designed to provide immediate local travel within a specific travel zone/neighbourhood in a community. Customers call a central number and request a pick-up from their nearest conventional bus stop. Dispatchers then send out an accessible vehicle, within a specified time frame, to pick up the customer and take them to a key common destination or bus stop where regular, conventional, fixed-route transit services are offered.

SPECIALIZED SERVICES

Shuttles:

Day Program and Work Placement shuttles provide dedicated trips for passengers that require a higher level of service but do not fulfill the eligibility criteria.

Para transit:

A shared ride, door-to-door service for passengers that require a lift-equipped or low-floor vehicle for travel and are unable to use regular public transit due to a physical or functional disability.

LEVEL OF ELIGIBILITY

An applicant's level of eligibility will be determined by Mobility Plus based on the most recent Mobility Plus application. Your application must be renewed every three years to ensure updated eligibility information.

The levels of eligibility are:

MP-1 No requested trip restrictions.

MP-1A Requires an attendant for all trips.

MP-1AD Requires an attendant for all trips other than approved day centre/work placement programs.

MP-1D Approved only for day centre/work placement program trips.

MP-2T No requested trip restrictions. Temporary registration with length of service time determined by qualified health professional who completed the application.

MP-2TA No requested trip restrictions. Requires an attendant for all trips with length of service time determined by qualified health professional who completed the application.

MP2-TAD Temporary disability requiring an attendant for all trips other than approved day centre/work placement programs. Length of service time determined by qualified health professional who completed the application.

MP-3S Seasonal approval (November 1-April 30) where weather conditions affect the applicant's ability to use regular public transit (i.e. icy conditions). No trip restrictions.

MP-3SA Seasonal approval [November 1 - April 30] with attendant requirement for all trips.