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YORK REGION TRANSIT MOBILITY PLUS APPOINTMENT OF ELIGIBILITY APPEAL PANEL

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 the private attachment (see *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 the private attachment (see *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.)