

1. Presentation by Kim McKinnon, Tyler Barker and John Abel on behalf of Concerned Citizens for Accessibility and Mobility and the Community Legal Clinic of York Region regarding Mobility Plus Appeal Panel Recommendations.

The Accessibility Advisory Committee recommends to Council:

THAT based on the information presented by the Concerned Citizens for Accessibility and Mobility Group at the February 20, 2014 Accessibility Advisory Committee meeting, that the Accessibility Advisory Committee expresses its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel;

AND THAT the Accessibility Advisory Committee request that Newmarket Council recommend to York Region that it maintain the current structure of the Mobility Plus Eligibility Appeal Panel until a more comprehensive review is conducted;

AND THAT the Accessibility Advisory Committee request that Newmarket Council recommend to York Region that a member of the Newmarket Accessibility Advisory Committee be invited to participate in this review;

AND THAT the Accessibility Advisory Committee request that Newmarket Council recommend to York Region that all York Region Accessibility Advisory Committees be consulted on any future changes to the structure of Mobility Plus.

**Carried**

Clause No. 9 in Report No. 5 of Committee of the Whole was adopted by the Council of The Regional Municipality of York at its meeting held on November 21, 2013 with the following amendments:

1. The matter of retaining Medisys Health Group to conduct Mobility Plus eligibility appeals on behalf of the Region, on a one year pilot basis, be referred to staff to consult with the York Region Accessibility Advisory Committee at its February 19, 2014 meeting and bring a report forward to the Committee of the Whole.
2. In the interim, the Mobility Plus Eligibility Appeal Panel continue in its existing form.
3. Staff advertise to recruit for additional panel members.

## **9**

### **MOBILITY PLUS ELIGIBILITY APPEAL PANEL**

**Committee of the Whole recommends adoption of the following recommendations, as amended, in the report dated October 23, 2013 from the Acting Commissioner of Transportation and Community Planning:**

#### **1. RECOMMENDATIONS**

It is recommended that:

1. Council dissolve The Regional Municipality of York Mobility Plus Eligibility Appeal Panel and rescind the Mobility Plus Eligibility Appeal Panel Terms of Reference.
2. Council authorize retention of the company, Medisys Health Group, to conduct Mobility Plus eligibility appeals on behalf of the Region, on a one-year pilot basis, and to execute an agreement with Medisys Health Group for this purpose.
3. *If possible, all panel members be residents of York Region and the panel include a person with a disability.*

## **2. PURPOSE**

This report recommends approval of the one-year pilot project for the company Medisys Health Group to conduct Mobility Plus Eligibility Appeal Panel hearings on behalf of the Region. This report also recommends that Council dissolve the Mobility Plus Eligibility Appeal Panel and its Terms of Reference.

## **3. BACKGROUND**

### **The Mobility Plus Eligibility Appeal Panel Terms of Reference were approved by Council in 2007**

In May 2007, Council appointed the first Mobility Plus Eligibility Appeal Panel ("Panel") and adopted Terms of Reference. The Terms of Reference guide the appeals process and establish eligibility criteria for the Mobility Plus service. The Panel hears appeals from Mobility Plus applicants who have been deemed ineligible for the Mobility Plus service or eligible with restrictions. An individual is eligible for Mobility Plus if he/she is unable to use conventional transit due to a physical or functional limitation.

The existing three-member Panel was appointed in May 2013 by the Regional Chair, on the recommendation of Regional staff. In accordance with the Terms of Reference, the Panel members serve a term of one year and may be renewed annually for a period of four years. The Panel members serve without remuneration.

### **Due to the significant increase in appeals in 2013, time requirements for the Panel to render a decision are not being met**

There has been a significant increase in appeals. Appeals have increased from two in 2012 to 28, to date, in 2013, with 15 appeals yet to be heard by the Panel.

In 2012, Mobility Plus received and processed 2,283 applications for Mobility Plus service, performed 138 assessments, and denied 186 applications. In 2013, to date, Mobility Plus has received 1,649 applications, performed 95 assessments (in person) and denied 453 applications.

The 20 per cent increase in the denial rate is attributed to applicant responses primarily in two areas on the application form:

- Applicants who responded "yes" to the question of whether or not they could board and travel on a conventional low-floor bus, have increased. Previously, York Region Transit (YRT) conventional buses had stairs. Currently, all YRT conventional buses are accessible.

- More applicants who are ambulatory and do not use mobility devices are being denied. These applicants are considered by a public health nurse who conducts an assessment of the applicant in person on behalf of York Region Mobility Plus.

In addition, in 2013 Mobility Plus began providing a brochure to applicants on how to appeal their decision so applicants would be better informed about their rights with respect to appealing decisions.

It is a challenge to meet the demand for hearings. The Region's Terms of Reference require that a decision be rendered within 40 days of receiving the notice of appeal. The Panel is unable to meet this requirement due to the number of appeals.

Staff had advised the Panel members during their selection interviews that the Region was in the process of reviewing the existing Panel model.

#### **4. ANALYSIS AND OPTIONS**

##### **Effective January 1, 2014, the eligibility appeals process will be governed by provincial legislation**

Effective January 1, 2014, under Regulation 191/11 of the *Accessibility for Ontarians with Disabilities Act*, specialized transportation service providers must provide an eligibility appeal process. This legislative requirement will have considerable impact on the Region's Mobility Plus Eligibility Appeal Panel. The Regulation requires that the appeal decision be rendered within 30 days after receiving the appeal application. The deadline to render a decision will, therefore, be further reduced than the requirement of 40 days that exists in the Region's Terms of Reference. There will be difficulty in meeting the requirements of the AODA, given the current backlog in appeals.

##### **Change in the appeal process is required to ensure that applicants' rights are upheld and the Region complies with the AODA**

In August 2012, the Region's Audit Services completed an audit of the Region's Mobility Plus to ensure that the transportation service was AODA compliant. Audit Services recommended that the appeal panel process be outsourced to a third party due to the volume of appeals.

Staff has inquired into the possibility of having Medisys Health Group conduct appeals on behalf of the Region so that applicants can receive a hearing and decision within the time period required by law, and for the Region to be in compliance with the AODA. Medisys Health Group was founded in 1987 and is a private national provider of preventative healthcare services. It currently conducts eligibility appeal hearings for another specialized service provider. Medisys recently provided a proposal to York Region Transit for conducting the hearings on a pilot basis for YRT/Viva's Mobility Plus. Medisys will provide a panel of three members that is made up of an occupational therapist/physiotherapist, administrator/transcriber and a member who is familiar or part of the disabled community.

The Panel will attend on-site at York Region Transit to complete an appeal hearing, which would include the following:

- Basic functional testing
- Full interview
- Review documentations

**Staff is recommending that the Region contract with Medisys Health Group on a pilot basis to conduct Mobility Plus Eligibility Appeal hearings**

The recommendation of a one year pilot will allow staff to prepare, release, and award a request for proposal for the Mobility Plus Eligibility Appeal Panel service. Medisys can provide up to three full hearings days each month, if required, to ensure that the Mobility Plus service is AODA compliant with respect to the eligibility appeal process. The panel will follow the current AODA requirements and Mobility Plus eligibility criteria to guide the process.

**Link to key Council-approved plans**

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 Region establishing a pilot program for the hearing of Mobility Plus appeals through Medisys Health Group would help ensure that York Region residents' rights to access specialized transportation systems are being met.

**5. FINANCIAL IMPLICATIONS**

**Medisys has provided a cost estimate for the pilot project**

The cost to outsource this service is estimated at \$2,100 per day, plus mileage expenses. Staff estimates that one to two days per month would be needed initially to deal with the backlog of appeals, costing up to \$4,200 per month, plus mileage expenses.

**6. LOCAL MUNICIPAL IMPACT**

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

**7. CONCLUSION**

The appeal process is an important initiative that ensures an open and fair eligibility process for residents of York Region with disabilities. The recommendation of having

Medysis conduct appeal hearings on a pilot basis will provide appropriate customer service for residents of the Region and will ensure legislative compliance.

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

The Senior Management Group has reviewed this report.