

Clause 8 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 March 26, 2015 with the following additional recommendation:

5. Staff bring back a report after one year providing a review of the program.

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Mobility Plus Eligibility Appeal Panel

Committee of the Whole recommends adoption of the following recommendations contained in the report dated February 19, 2015 from the Commissioner of Transportation Services:

1. Recommendations

It is recommended that:

1. The Commissioner of Transportation Services be authorized to execute an agreement between the Region and Medisys Health Group, in the amount of \$14,400, excluding taxes, to conduct Mobility Plus eligibility appeals on behalf of the Region, for a one-year term starting April 27, 2015.
2. The Commissioner of Transportation Services be authorized to extend the contract with Medisys Health Group for up to three additional years, subject to the success of the initial one year term.
3. Council dissolve the Regional Municipality of York Mobility Plus Eligibility Appeal Panel and rescind the Mobility Plus Eligibility Appeal Panel Terms of Reference.
4. The Regional Clerk forward a copy of this report to the York Region Accessibility Advisory Committee for information.

2. Purpose

This report recommends approval of a one-year contract with Medisys Health Group to conduct the Mobility Plus Eligibility Appeal Panel (Panel) hearings on behalf of the Region, in order to enhance compliance with Section 64 of Regulation 191/11 (Integrated Accessibility Standards), which outlines the requirement for an independent appeal process.

## Mobility Plus Eligibility Appeal Panel

This report also recommends that Council dissolve the existing Panel and rescind the associated Terms of Reference.

### 3. Background

In May 2007, Council appointed the first Mobility Plus Eligibility Appeal Panel and adopted Terms of Reference prior to *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) regulations

The Panel hears appeals from Mobility Plus applicants who have been deemed ineligible for 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 Terms of Reference guides the appeal process and identifies the eligibility criteria for Mobility Plus service.

In May 2013, a three-member panel was appointed by the Regional Chair on the recommendation of Region staff. In accordance with the Terms of Reference, Panel members serve a term of one year and may be renewed annually for a period of up to four years. In June 2014, four additional Panel members were appointed. Panel members serve without remuneration but are reimbursed travel expenses.

As of January 1, 2014, the eligibility appeal process is governed by provincial legislation

Effective January 1, 2014, under Regulation 191/11 of the *Accessibility for Ontarians with Disabilities Act, 2005*, specialized transportation service providers must provide an independent eligibility appeal process. The Regulation requires appeal decisions to be rendered within 30 days after receiving appeal applications. Prior to this, decisions were to be rendered within 40 days.

The *Accessibility for Ontarians with Disabilities Act, 2005* outlines the requirement for an independent appeal process

Although the Region currently has an appeal process in place, the Panel is supported by staff, and members of the Panel are selected by staff. For instance, Counsel from the Region's Legal Services Branch provides legal support to the Panel and attends all hearings. A staff person from the Regional Clerk's Office serves as a hearing coordinator. A Mobility Plus employee attends all hearings to answer the Panel's questions on the Mobility Plus Service. A Registered Nurse employed with the Region who conducts in-person Mobility Plus assessments, also attends the hearings to answer questions from Panel members regarding the assessments. Opportunities to reduce staff influence into the appeal process

and increase the independence of the appeal process is necessary in achieving better compliance with the AODA.

#### 4. Analysis and Options

Over 98 per cent of the applications for Mobility Plus are approved which exceeds other comparable specialized transit systems

Mobility Plus receives approximately 2,300 applications each year for registration onto the Mobility Plus system. Approximately two per cent of the applications are denied service because the applicant has not met the eligibility criteria. By comparison, Peel Transhelp has an eight per cent denial rate and Toronto Wheeltrans has a 21per cent denial rate. The high rate of approval of applications at Mobility Plus is significant as applications are also reviewed for persons with cognitive disabilities. Most other specialized transit systems in the Greater Toronto-Hamilton area do not accommodate persons with cognitive disabilities.

In October 2013, the application process was changed to include an in-person assessment performed prior to making a determination on an application. This has increased the number of in-person assessments being performed and reduced the number of appeals. This in-person assessment is completed by a Registered Nurse and includes an interview and physical assessment.

Table 1 summarizes the number and staging of the application process for Mobility Plus.

**Table 1**  
**Mobility Plus Service Applications**

Year	Applications Received and Processed	In-Person Assessments	Applications Denied	Appeals	Appeals Denied
2012	2,283	138	186	3	0
2013	2,282	287	468	26	3
2014	2,371	402	111	14	6

## Mobility Plus Eligibility Appeal Panel

In keeping with Council's direction at its November 2013 meetings, staff has initiated a number of activities regarding the Panel process

In November 2013, Council reviewed the option to have the Panel process conducted by an external service provider, Medisys Health Group. While this option was not approved at that time, staff has completed the following actions in accordance with Council direction:

1. The Panel continues to hear appeals.
2. Multiple advertisements were placed in local media to recruit additional Appeal Panel members.
3. An orientation was conducted for new Panel members.
4. In May 2014, a second letter was sent to all Accessibility Advisory Committees in York Region requesting their help in the recruitment process. Individuals interested in serving had until June 27, 2014 to apply. No eligible applicants applied for the Panel.
5. Reported back to Committee of the Whole in September 2014 and provided an update on the recruitment of Panel members.

Staff also delivered a presentation to the York Region Accessibility Advisory Committee on the appeals process on February 19, 2014, and delivered a presentation to local Accessible Advisory Committees (City of Vaughan, Towns of King and Whitchurch/Stouffville) on Mobility Plus and the appeals process. The presentations were received and no further action required.

Since the September 2014 Council meeting, Mobility Plus has conducted a review of the application package

A consultant was retained to review the application package for persons applying for the Mobility Plus service. The review included analysis of eligibility trends across North America. In addition, the consultant interviewed members and staff from nine local organizations: York Region Accessibility Advisory Committee, The Community Legal Clinic, March of Dimes, CHATS, the Alzheimer's Society, Maple Health – Acquired Brain Injury Program, Hangin Out Together, York Region Dialysis and VITA Community Living Services.

The consultant noted there was the opportunity to outsource the appeal process for customers who were not eligible for the Mobility Plus service. The consultant advised staff that having external providers conduct eligibility appeals is an accepted process used by other transit agencies.

## Mobility Plus Eligibility Appeal Panel

Outsourcing the appeal process will enhance the independent assessment of Mobility Plus appeals and be in keeping with regulatory requirements

There is opportunity to improve the process for Mobility Plus application appeals as the current Panel member term expires the end of March 2015.

The current Mobility Plus appeal process involves Region staff in the administration of the appeal program and selection and support by the current Panel members. The AODA indicates that the appeal process should be through an independent assessment. Outsourcing the appeal process to an organization that manages the administration and retains trained health care professionals to review the appeals enhances compliance to the Provincial regulation of having an independent assessment.

Staff recommends Medisys Health Group who is Canada's nation-wide provider of preventative healthcare services and is experienced in conducting specialized transit appeals

Medisys is a company that provides occupational health services, including pre-placement evaluations. Since 2005, Medisys has been the sole provider of appeal evaluations to the Toronto Transit Commission for their Wheel-Trans service and, as a result, has developed one of the most comprehensive assessment services in Canada. Medisys has also delivered medical assessments for a number of transportation providers including Montreal Transit, VIA Rail, Air Transat, and Sunwing Airlines.

Medisys will provide the following services to the Region:

- Conduct evaluations in York Region
- Utilize the Region's current eligibility criteria to assess appeals
- Include functional testing, full interview and review of client documentation, including medical information in all evaluations
- Administration and documentation
- A team to assess the appeal, including a registered physiotherapist or occupation therapist, a York Region resident with a disability and an administrator/transcriber

The Medisys appeal process will be monitored and evaluated during the first year of operation to ensure it meets legislative requirements.

## Mobility Plus Eligibility Appeal Panel

The York Region Mobility Plus Eligibility Appeal Panel would need to be dissolved and Terms of Reference rescinded if the proposed appeal methodology is approved

The existing Panel would need to be dissolved if Medisys is retained to undertake the appeal process. The existing Terms of Reference identifies the setup, scheduling and forum for the Panel. The Terms of Reference would need to be rescinded.

Link to key Council-approved plans

Vision 2051

Mobility Plus service meets the vision to provide a seamless network for mobility transportation options for people in all communities and safely and efficiently moves people and goods.

### 5. Financial Implications

The estimated cost of a one-year contract with Medisys Health Group would be approximately \$14,400

The cost to retain Medisys for a one-year period is \$14,400, excluding taxes. This includes administration, scheduling of appeals, access to qualified staff to undertake the assessment and appeal review and report on the findings. Currently, there is approximately one Panel session per month, which may include more than one hearing.

Funding for advertising to recruit future Panel members will not be required which will reduce the net cost of retaining Medisys. In 2013, the Region spent approximately \$12,220 on recruitment advertisements for the Panel.

Sufficient funds are included in the 2015 proposed budget to retain Medisys Health Group.

### 6. Local Municipal Impact

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

## Mobility Plus Eligibility Appeal Panel

By establishing a fair and transparent process for the hearing of Mobility Plus appeals, the Region will help ensure York Region residents' rights to accessible specialized transportation systems are being met.

### 7. Conclusion

The *Accessibility for Ontarians with Disabilities Act, 2005* outlines the requirement for an independent appeal process for applicants who wish to be registered on the Mobility Plus service. Although the Region currently has an appeal process in place, the Panel is supported by staff and the members of the Panel are selected by staff, there is a desire to improve independence of the appeal process.

In keeping with regulatory requirements, it is recommended that Medisys Health Group be contracted to provide an independent assessment of Mobility Plus appeals.

For more information on this report, please contact Joy Hulton, Regional Solicitor, at ext. 71417.

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Accessible formats or communication supports are available upon request