

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 8, 2014**

Item 5, Report No. 14, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on April 8, 2014, as follows:

***By approving:***

***That the recommendation from the City Clerk, on behalf of the Accessibility Advisory Committee, dated March 25, 2014, be approved; and***

***That Communication C7 from the City Clerk, dated April 7, 2014, be received.***

**5            ACCESSIBILITY ADVISORY COMMITTEE RECOMMENDATIONS RELATING TO  
CONCERNED CITIZENS FOR ACCESSIBILITY AND MOBILITY**

**The Committee of the Whole recommends:**

- 1)        That consideration of this matter be deferred to the Council meeting of April 8, 2014, to give Mobility Plus representatives an opportunity to address the Accessibility Advisory Committee at its meeting of March 31, 2014; and**
- 2)        That the deputation of Ms. Kim McKinnon, Community Legal Clinic of York Region and Concerned Citizens for Accessibility and Mobility, Dunlop Street, Richmond Hill, be received.**

**Recommendation**

The City Clerk, on behalf of the Accessibility Advisory Committee, forwards the following recommendation from its meeting of February 24, 2014, for consideration:

- 1.        That Council adopt the following recommendations:**
  - 1)        That based on the information presented by the Concerned Citizens for Accessibility and Mobility Group at the February 24, 2014 Accessibility Advisory Committee meeting, that Council endorse the Vaughan Accessibility Advisory Committee's concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel;**
  - 2)        That 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;**
  - 3)        That Council recommend to York Region that a Member of the Vaughan Accessibility Advisory Committee be included in this review; and**
  - 4)        That Council recommend to York Region that all York Region Advisory Committees on Accessibility be consulted on any future changes to the structure of Mobility Plus.**

**Contribution to Sustainability**

The Accessibility Advisory Committee provides advice to Council to support the City's work in identifying and removing barriers to lay the foundation for a barrier-free, inclusive community.

**Economic Impact**

N/A

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 8, 2014**

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#### **Communications Plan**

Council's decision in this matter will be communicated to the Accessibility Advisory Committee.

#### **Purpose**

The purpose of this report is to bring forward for Council's consideration the Accessibility Advisory Committee's request from its meeting of February 24, 2014, with respect to its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel.

#### **Background - Analysis and Options**

At its meeting of February 24, 2014, the Accessibility Advisory Committee considered an item with respect to York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel as set out in Clause No.9, Report No.5, of November 21, 2013, York Region Committee of the Whole and Report of York Region's Acting Commissioner of Transportation and Community Planning, dated November 7, 2013 (Attachment 1).

The Concerned Citizens for Accessibility and Mobility (CCAM) Group presented to the City of Vaughan's Accessibility Advisory Committee, at its February 24, 2014 meeting, their concerns with respect to the subject matter. These concerns are set out in Attachment 2.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the strategic priorities set out in Vaughan Vision 2020, in particular:

SERVICE EXCELLENCE: Promote Community Safety, Health & Wellness.  
Pursue Excellence in Service Delivery.

ORGANIZATIONAL EXCELLENCE: Ensure Financial Sustainability.

#### **Regional Implications**

N/A

#### **Conclusion**

The Accessibility Advisory Committee's recommendation with respect to its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel is being forwarded for Council's consideration.

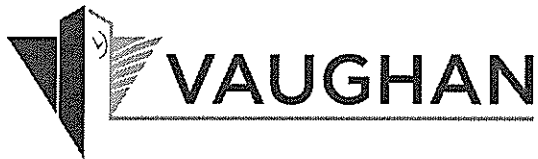
#### **Attachments**

1. Clause No.9, Report No.5, November 21, 2013, York Region Committee of the Whole and Report of York Region's Acting Commissioner of Transportation and Community Planning, dated November 7, 2013.
2. Concerned Citizens for Accessibility and Mobility (CCAM)'s concerns and recommendations

#### **Report prepared by:**

John Britto, Assistant City Clerk, Ext. 8637

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



## memorandum

**TO:** MAYOR AND MEMBERS OF COUNCIL  
**FROM:** JEFFREY A. ABRAMS, CITY CLERK  
**DATE:** APRIL 7, 2014  
**SUBJECT:** Committee of the Whole March 25, 2014, Report No.14, Item No. 5  
Accessibility Advisory Committee Recommendations Relating to  
Concerned Citizens for Accessibility and Mobility

C	7
Item #	5
Report No.	14 (cw)
Council - April 8/14	

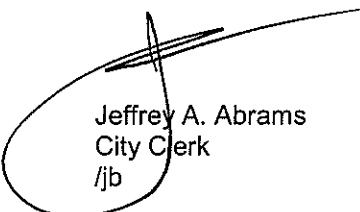
In considering a report from the City Clerk regarding the Accessibility Advisory Committee Recommendations relating to Concerned Citizens for Accessibility and Mobility, Committee of the Whole at its meeting of March 25, 2014, recommended:

- 1) That consideration of this matter be deferred to the Council meeting of April 8, 2014, to give Mobility Plus representatives an opportunity to address the Accessibility Advisory Committee at its meeting of March 31, 2014.

The purpose of this communication is to inform Council that Mobility Plus representatives were unable to attend the March 31, 2014 Accessibility Advisory Committee (AAC) meeting. Council is also informed that the AAC at its March 31, 2014 meeting recommended:

- 1) That Mobility Plus representatives be invited to address the Accessibility Advisory Committee at its May 26, 2014 meeting on this matter.

Respectfully submitted,

  
Jeffrey A. Abrams  
City Clerk  
/jb

## **COMMITTEE OF THE WHOLE – MARCH 25, 2014**

### **ACCESSIBILITY ADVISORY COMMITTEE RECOMMENDATIONS RELATING TO CONCERNED CITIZENS FOR ACCESSIBILITY AND MOBILITY**

#### **Recommendation**

The City Clerk, on behalf of the Accessibility Advisory Committee, forwards the following recommendation from its meeting of February 24, 2014, for consideration:

1. That Council adopt the following recommendations:
  - 1) That based on the information presented by the Concerned Citizens for Accessibility and Mobility Group at the February 24, 2014 Accessibility Advisory Committee meeting, that Council endorse the Vaughan Accessibility Advisory Committee's concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel;
  - 2) That 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;
  - 3) That Council recommend to York Region that a Member of the Vaughan Accessibility Advisory Committee be included in this review; and
  - 4) That Council recommend to York Region that all York Region Advisory Committees on Accessibility be consulted on any future changes to the structure of Mobility Plus.

#### **Contribution to Sustainability**

The Accessibility Advisory Committee provides advice to Council to support the City's work in identifying and removing barriers to lay the foundation for a barrier-free, inclusive community.

#### **Economic Impact**

N/A

#### **Communications Plan**

Council's decision in this matter will be communicated to the Accessibility Advisory Committee.

#### **Purpose**

The purpose of this report is to bring forward for Council's consideration the Accessibility Advisory Committee's request from its meeting of February 24, 2014, with respect to its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel.

#### **Background - Analysis and Options**

At its meeting of February 24, 2014, the Accessibility Advisory Committee considered an item with respect to York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel as set out in Clause No.9, Report No.5, of November 21, 2013, York Region Committee of the Whole and Report of York Region's Acting Commissioner of Transportation and Community Planning, dated November 7, 2013 (Attachment 1).

The Concerned Citizens for Accessibility and Mobility (CCAM) Group presented to the City of Vaughan's Accessibility Advisory Committee, at its February 24, 2014 meeting, their concerns with respect to the subject matter. These concerns are set out in Attachment 2.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the strategic priorities set out in Vaughan Vision 2020, in particular:

SERVICE EXCELLENCE: Promote Community Safety, Health & Wellness.  
Pursue Excellence in Service Delivery.

ORGANIZATIONAL EXCELLENCE: Ensure Financial Sustainability.

### **Regional Implications**

N/A

### **Conclusion**

The Accessibility Advisory Committee's recommendation with respect to its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel is being forwarded for Council's consideration.

### **Attachments**

1. Clause No.9, Report No.5, November 21, 2013, York Region Committee of the Whole and Report of York Region's Acting Commissioner of Transportation and Community Planning, dated November 7, 2013.
2. Concerned Citizens for Accessibility and Mobility (CCAM)'s concerns and recommendations

### **Report prepared by:**

John Britto, Assistant City Clerk, Extn. 8637

Respectfully submitted,

Jeffrey A. Abrams, City Clerk

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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.

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**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.

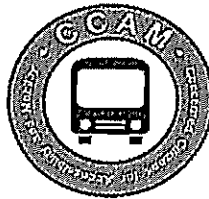
## **7. CONCLUSION**

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.



Our group approached your committee in the spring of this year when we were organizing a Mobility Maze that would depict the difficulties individuals with disabilities would encounter when using the local para-transit system, Mobility Plus.

We are writing to you now as we believe the information below would be of extreme interest to your Committee given the important role and function you play with regards to persons with disabilities in your communities.

Recently, York Region Transportation recommended to the York Region Council to rescind the current Mobility Plus Appeal Panel, and hire, for a one-year pilot, a private, for-profit medical company, Medisys Health Group, to take on the role of hearing appeals for Mobility Plus.<sup>1</sup> The rationale being that with the current backlog of appeals, they would not be able to be AODA compliant come January 1, 2014.

Upon learning this news, we made a deputation to York Region Council on November 21, 2013 requesting that they do not approve the recommendation due to several concerns we had about the recommendations. A deputation with the same request to not accept the recommendation was also made by Mr. Tim Maloney, a current Mobility Plus Appeal Panel member.

We have a number of concerns, listed below, regarding this recommendation and the Report itself:

1. The Report and the recommendations contained within were never vetted through any Accessibility Advisory Committee (Municipal or York Region) for comment or recommendations even though the report speaks to AODA compliance requirements.
2. The report did not disclose that in the event that an appeal cannot be heard within the designated time frame, AODA compliance can be met by providing the applicant with temporary ridership status until the appeal can be heard.
3. The proposed company (Medisys) is a private, for-profit health care provider. If approved, all appeals would go before a panel hired from this group, who has been hired by York Region. We are not aware of an RFP being advertised for this role.
4. Medisys would charge \$2,100 per day for their services. Given the number of appeals to be heard the cost would be closer to \$4, 200 per month plus mileage expenses. There is a concern that this may not be the best use of taxpayers dollars. Members of the current Appeal Panel are not paid for their time but they do receive mileage.

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<sup>1</sup> November 7, 2013 – Report of the Acting Commissioner of Transportation and Community Planning. This is attached for your review.



5. In the Report, it was recommended that "If possible, all panel members be residents of York Region and the panel include a person with a disability." It was not recommended that either of these criteria be mandatory.

### **Our Recommendations**

1. Mobility Plus Appeal Panel continue to remain under the current status and not be outsourced to Medisys.
2. York Region expand its current pool of available Appeal Panel Members to ensure that appellants have access to a timely appeal hearing. Accessibility Advisory Committee members from different municipalities could be sought to act in the role of Appeal Panel members. This would not only ensure that individuals with disabilities would be represented at the Appeal Panel Hearing, but also, a broader range of York Region representation could also be represented. Appeal hearings could also be in individual appellants' communities as opposed to York Region Transit in Richmond Hill only, which is currently the process.

### **Summary**

We attended the Georgina Accessibility Advisory Committee on December 11, 2013, and the recommendation of the Georgina AAC was to put a motion forward to their local Council to address our concerns. Following that meeting, we attended the Markham AAC which passed the attached motion on January 15, 2014. This motion has been forwarded to all the AAC's in York Region.

**We are asking that each AAC in each municipality bring the attached motion forward at their next AAC meeting, and that they request their elected municipal representative who sits on the AAC to bring the motion to their local council.**

If you have any questions, please do not hesitate to contact us at (905) 508-5018.

Thank you for your time and consideration.

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Ms. Kim McKinnon on behalf of CCAM

Moved by Councillor Don Hamilton  
Seconded by Arlene Juanillo

That based on the information presented by the Concerned Citizens for Accessibility and Mobility Group at the January 15, 2014 Advisory Committee on Accessibility meeting, the Advisory Committee on Accessibility expresses its concerns regarding York Region's proposal to outsource the Mobility Plus Eligibility Appeal Panel; and,

That the Advisory Committee on Accessibility request that Markham 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 Advisory Committee on Accessibility request that Markham Council recommend to York Region that a Member of the Markham Advisory Committee on Accessibility be included in this review; and,

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

CARRIED