



Hamilton

**Eligibility for Accessible  
Transportation Services  
Accessibility Committee for Persons  
with Disabilities  
April 9, 2024**

# Objectives

- Part of the multiyear roadmap outlining critical steps to reform service delivery (Appendix “B” to Report PW24005, also Item 8.2. ACPD meeting 24-002)
- Under the roadmap category of Eligibility for Accessible Transportation Services, improvements include updating the Accessible Transportation Services Eligibility Appeal policy as per recommendations in key reports:
  - Accessible Transportation Services Eligibility Audit (Appendix “B” to AUD20009, December 7, 2020)
  - Dillon Consulting Report (Appendix “A” to PW21055, Consultant Report to Accessible Transportation Service, October 7, 2021, funded by Provincial Audit and Accountability Fund)

# Eligibility for Accessible Transportation Services

## Eligibility Appeal Policy

- Policy for appealing eligibility decisions and establishment of an appeals committee process update. **Target: end of 2023 (in progress, was awaiting internal review). Now complete.**

**Reporting history: Recommendation 7 in Appendix “B” to AUD20009; Appeals policy discussed at ACPD Transportation Working Group January 2023, March 2023 (no notes tabled from working group, ATS records only), and July 2023 (no notes tabled from working group, ATS records only).**

# Eligibility for Accessible Transportation Services

## How Eligibility is Determined

- two versions of the application are available as PDFs online, or by mail if requested: one general version, and one shorter one for applicants who reside in long-term care
- portion of the application needs to be completed by a regulated health professional (physician, nurse practitioner, registered nurse (RN), physiotherapist, occupational therapist, regulated/licensed MSW; for residents of long-term care, a registered practical nurse (RPN) can sign)



# Eligibility for Accessible Transportation Services

## Categories of Eligibility

- **Unconditional:** not able to use HSR transportation, but can use DARTS service safely; can use DARTS for all trips
- **Conditional:** able to use HSR buses under certain conditions: seasonal eligibility (November 1 to April 30) or trip-by-trip eligibility (can use DARTS to approved locations only)
- **Temporary:** not able to use HSR buses due to a condition that is expected to improve; can use DARTS temporarily for all trips



# Accessible Transportation Services Eligibility Appeal Policy - current

## Policy as currently posted:

*If you disagree with the ATS decision regarding eligibility, complete the Accessible Transportation Services (ATS) Eligibility Appeal Form and send it to ATS by mail, fax or email.*

*Your appeal will be reviewed by the Eligibility Appeal Panel, that will make a final decision about your eligibility. You will be told the date of your hearing. You and another person may attend the hearing to discuss your appeal. If you have additional materials you want to share you must bring at least 3 copies. You must arrange your own transportation to the appeal hearing.*



# Accessible Transportation Services Eligibility Appeal Process - updated

## Items added as part of a robust comprehensive process:

- Accessible Transportation Services Policy document and related Procedure document for ATS and for Appeal Panel members
- Updated Eligibility Appeal Form
- Updated Eligibility Appeal Notice of Hearing
- Additional Hearing Notice enclosure for authorized representative, should applicant wish to engage one
- Two Appeal Hearing outcome letters:
  - increased eligibility
  - no change from original determination



# Accessible Transportation Services Eligibility Appeal Policy

## **Summary of Policy to be posted on City of Hamilton web page:**

ATS provides specialized transportation for people with disabilities or health conditions who can't use the HSR. Eligibility for ATS is based on each person's functional ability to use the HSR. If you disagree with an eligibility decision, then you have the right to appeal the decision. An independent Eligibility Appeal Panel reviews decisions that are appealed. If you decide to appeal an eligibility decision, please call ATS at 905-529-1212. The ATS Supervisor will be notified of your appeal request. They will provide you with an ATS Eligibility Appeal form.





# Accessible Transportation Services Eligibility Appeal Policy

## Summary of Policy to be posted on City of Hamilton web page (continued):

If you complete and submit an appeal form, then the ATS Supervisor will contact you soon after. With your appeal form, you can also submit additional relevant information from your healthcare provider. When you appeal, if you have not had an assessment, then you can ask ATS to arrange for a third-party assessor who may be able to supply additional relevant information to be used as part of your appeal.

# Accessible Transportation Services Eligibility Appeal Policy

**Summary of Policy to be posted on City of Hamilton web page (continued):**

If you choose not to provide additional relevant information, then the Eligibility Appeal Panel will only review the existing ATS records about your eligibility for service.

The Eligibility Appeal Panel is made up of three (3) members:

- a member of the City's Accessibility Committee for Persons with Disabilities (ACPD);
- an Orientation and Mobility Specialist or Occupational Therapist; and
- a staff member of the City's Talent and Diversity section.



# Accessible Transportation Services Eligibility Appeal Policy

**Summary of Policy to be posted on City of Hamilton web page  
(continued):**

You will be invited to attend your appeal hearing. If you do choose to attend, you will need to arrange your own transportation to the appeal hearing. You may choose to bring or send a representative. You do not have to attend the hearing.

The panel will review your application information and any other information you provide. The panel will decide if you are eligible for ATS. The panel's decision is final.

ATS will let you know of the panel's final decision. You should be sent the decision within 30 calendar days of ATS receiving your completed appeal form.

# Accessible Transportation Services Eligibility Appeal Policy

## Summary of Policy to be posted on City of Hamilton web page (continued):

If the final decision is not made within 30 calendar days, ATS will provide temporary eligibility until the final appeal decision is made.

If your transportation needs change or you have new information about your disability or health condition you may submit a new ATS Application Form.

- **AODA and relevant City Policy and Procedure document numbers will be cited at the end of the posted policy**
- **Plain language document will be included in Appeal Form mailout**

# Accessible Transportation Services Eligibility Appeal Form

## Form elements:

- Applicant name, ATS ID number and contact information
- Disclaimer regarding use of email to correspond, if email is provided
- Reason for appealing decision
- Appointment of representative (optional)
- Authorization for the release of personal information and personal information collection notice
- Signature of applicant or substitute decision maker

# Accessible Transportation Services Eligibility Appeal Form

## Form edits specific to ACPD Transportation Working Group comments:

- Clarified use of information communicated from/ to any authorized representative
- Removed check boxes re: “wish to/ do not wish to attend hearing”
- Replaced the word “agent” with Representative, for anyone acting on the applicant’s behalf
- Will be mailed out with a copy of the plain language policy as an enclosure, to provide more detail regarding possible options (e.g., providing more medical info prior to appeal hearing)



# Accessible Transportation Services Eligibility Appeal Hearing Notice

## Form elements:

- Applicant name, ATS ID number and contact information
- Hearing date, time, and location
- Informs applicant that they may bring another person to the hearing, may bring written materials to distribute, that they must make their own transportation arrangements to the hearing, and to contact ATS to make alternative arrangements if they cannot attend but wish to

## Form edits specific to ACPD Transportation Working Group comments:

- Signed by ATS Supervisor and contact information provided

# Accessible Transportation Services Eligibility Appeal Enclosure for Authorized Representative

## Form elements:

- Representative name and contact information as provided by the applicant
- Informs person they have been named representative, that their contact information was provided to ATS by the applicant for this purpose, and includes a personal information collection notice
- Signed by ATS Supervisor and contact information provided
- To be enclosed with Appeal Hearing Notice sent to any authorized representative



# Accessible Transportation Services Eligibility Appeal Outcome Letters

In response to ACPD Transportation Working Group comments concerning clarity regarding steps taken in each case, there are two letter templates:

- **ATS Appeal – Decision Upheld Letter:** restates date that hearing was held, informs applicant that the original eligibility decision remains in place, and includes the sentence, “If there is any change in your disability or any new or updated information for ATS to consider, please contact ATS to reapply for services.” It is signed by ATS Supervisor and contact information is provided.



# Accessible Transportation Services Eligibility Appeal Outcome Letters (continued)

- **ATS Appeal – Decision Amended Letter:** restates date that hearing was held, informs applicant that the original eligibility decision has been changed to an increase in eligibility and lists enclosures being sent with the letter: ATS User Guide and Taxi Scrip program information, HSR fares information, and their ATS Certification Letter. It is signed by the ATS Supervisor, and contact information is provided.



# Accessible Transportation Services Eligibility Appeal Procedure

## Elements of the Eligibility Appeal Procedure:

- Purpose and scope defined: addresses the work of ATS staff to accomplish referrals to the ATS Eligibility Panel to ensure those persons who require specialized transit have access to it.
- Definition of terms: AODA, applicant, ATS, Health Care Professional, MFIPPA, PHIPA
- Responsibilities of the ATS Supervisor, ATS Manager and ATS Appeal Panel members
- Categories of eligibility
- Appeal Panel membership and how their decisions are communicated to applicants

# Accessible Transportation Services Eligibility Appeal Procedure

## Procedure edits specific to ACPD Transportation Working Group comments:

- Additional forms and letters listed (see above)
- Section that is specific to Appeal Panel Training, to cover the ATS application process, functional barriers on transit, relevant AODA sections (O. Reg. 191/11), privacy and confidentiality, and ethics (e.g., conflict of interest)



# Accessible Transportation Services

## Eligibility Appeal Next Steps

**Work with ACPD, City of Hamilton Talent and Diversity Division, and other City divisions as needed to:**

- Update the Eligibility Appeal Panel Terms of Reference
- Support the ACPD to provide one panel member as required for hearings
- Develop training for panel members
- Ensure anyone participating as a panel member receives the necessary training
- Revise Policy, Procedure and Forms as needed, if/when edits are flagged during the above steps or when used

# Thank You