

**Public input needed on a draft regulation:  
Lieutenant Governor in Council Regulation under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008***

The Minister of Community and Social Services is asking you to comment on this draft regulation. It is a Lieutenant Governor in Council regulation, which means that it needs to be approved by the group of government members called the Cabinet. This draft regulation is part of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*.

The *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* was passed in the fall of 2008. It will help the government to make changes people want to see. It will also improve the developmental services system over the long term. When the Act becomes law, it will replace the *Developmental Services Act*, and the *Developmental Services Act Regulation*.

Before the Act can become law, the ministry has to develop regulations. These are the rules that people must follow. Ministry staff must follow the rules. People or families who apply for services and supports, and agencies that offer developmental services and supports must also follow these rules. The rules in the draft regulation need to be clear so they will be followed in the same way across the province. The ministry needs your ideas about these rules so that we can make them as clear as possible.

The review period is your chance to look at this regulation and make comments. Comments can be sent to the ministry by email, fax or mail.

After the review period ends, the ministry can make any changes. When the regulation is approved, it will be part of a law. This is why the draft regulation uses legal language. We made this plain language guide to help people understand the draft regulation better. You can read the official draft regulation on the ministry's website:

[www.mcsc.gov.on.ca/mcsc/english/pillars/developmental/what/draft\\_reg.htm](http://www.mcsc.gov.on.ca/mcsc/english/pillars/developmental/what/draft_reg.htm)

**This document tells you what is in the draft regulation. It is made up of 10 parts:**

### **Section 1 – Definitions**

These are some terms used in the regulation.

- a) “Psychologist” or “psychological associate” are job titles. They are used in the *Psychology Act, 1991* and its regulations. A psychologist studies the mind and how people act. They do this to understand the reasons why people think and act certain ways. Psychologists can also help people solve personal problems or help groups to work better together. Psychologists and psychological associates have university degrees and special training.
  
- b) “Standardized test” means a test that is managed and scored in a consistent way.

### **Section 2 - Significant limitations in cognitive functioning**

Cognitive functioning is about thinking and understanding. People who have difficulties in this area often need help understanding the world around them. They may not know how to solve a problem because they cannot understand the situation very well. They may also have trouble learning. They might not be able to make decisions, keep up in school or get and keep a job. They may not know how to look after themselves well.

Someone with “significant limitations in cognitive functioning” has:

i) an Intelligence Quotient (IQ) score of 70 or less on an intelligence test;

**OR**

ii) an IQ score below the average in two or more areas in an intelligence test **AND** has a history of habilitative support needs (“habilitative support needs” is explained below).

**OR**

iii) major limits in cognitive functioning **AND** a history of habilitative support needs.

People who have “habilitative support needs” need help to learn, keep and improve their skills in daily activities such as:

- looking after themselves (eating, bathing etc.),
- speaking,
- writing, and
- socializing.

These are supports that people will need throughout their lives. People need these supports because of an injury at birth or before birth, or by an accident or illness that happened early in life.

### **Section 3 - Significant limitations in adaptive functioning**

Adaptive functioning is the ability to learn to do things on your own, and learn and apply other skills.

People who score below the average in at least 1 of 3 areas on an adaptive behaviour test have “significant limitations in adaptive functioning”.

## **Section 4 - Intensive Support**

This section explains intensive support.

“Intensive support residences” are homes where 1 or 2 adults with a developmental disability live. They get full-time services and supports from an agency at this home. Intensive support homes have at least 1 staff person in the building to help residents.

## **Section 5 - Prescribed class of services and supports**

The Act has a list of ministry-funded services and supports that people can use. People can use the money they get from a direct funding agreement to buy some of the supports on the list.

These services and supports are:

- 1) Caregiver respite – when the family members or special friends who care for the adults with a developmental disability get some rest and support
- 2) Community participation – social and recreational activities (like using community centre programs or joining a local club), work or volunteer activities
- 3) Activities of daily living – making meals, getting dressed, daily tasks like bathing, brushing teeth, using the toilet, or taking medication
- 4) Person-directed planning – helps adults with a developmental disability identify their life dreams and goals, or find services and supports in their lives to make their plan happen

## **Section 6 - Assessments, qualified persons**

This section lets you know who can decide if someone has a developmental disability.

A psychologist or psychological associate (see Section 1) in Ontario or another part of Canada can do this.

## **Section 7 – Entry**

These are rules ministry staff have to follow. They also include the conditions that have to be in place before they can inspect places that are owned or run by a service agency, application body or funding body.

The rules are:

- 1) The inspector has to give the agency at least 2 weeks notice in writing. The notice has to say the reason for an inspection.
- 2) Inspections can only happen Monday to Friday between 8am and 8pm.
- 3) Inspectors must have identification. They have to show it to the person in charge of the agency.
- 4) If asked, the inspector has to tell the person in charge why they are inspecting.
- 5) The inspector has to tell the agency the results (unless there is a reason why they should not let them know).

## **Section 8 - Entry, exigent circumstances** (for emergency situations)

Sometimes, there is an emergency situation where someone's health and safety is in danger or money is being misused. In these cases, the ministry staff have to inspect that agency, application body or funding body. There are rules the ministry staff have to follow.

In these kinds of emergency situations, inspectors **do not** have to give any notice and can inspect at any time. However, inspectors have to ask a Director for permission to do the inspection first. A director is someone who works for the Ministry of Community and Social Services. The inspectors also have to show their identification when they enter.

The inspectors have to tell the person in charge why they are there. If the person in charge is not there, the inspector has to leave a note explaining why they were there.

They have to let the agency know the results of the inspection (unless there is a reason why they should not let them know).

### **Section 9 - Request to review order appointing manager**

This section describes what the agency (or application body or funding body) has to do to ask the Minister to review the decision to take it over.

To ask for a review, the agency has to follow these rules:

- 1) They have to make sure that the Minister gets their request within 15 working days after they get the notice from the Minister that an outside person will be taking over the operation of the agency.
- 2) They have to ask for this review in writing. It can be sent by mail, email or fax.
- 3) The request must be made or confirmed by the agency's Board of Directors or its executive committee.
- 4) The agency can send more detailed information to the Minister to say why they want a review, but they have to do that within 25 days after the Minister tells them that someone will be taking over the operation of the agency.

## **Section 10 - Conducting the review.**

These are the rules about how the review will happen.

- 1) The Minister will appoint a person to do the review. This person is called the "reviewer".
- 2) The reviewer has to look at anything the agency (or application body or funding body) has sent to the Minister. The reviewer can also look at other information and speak with:
  - people who get services and supports from the agency,
  - people who work there, or
  - ministry staff.
- 3) The reviewer has to give the agency a summary of what they found out in their review.
- 4) The agency has to respond to the reviewer's summary 15 working days after the reviewer gave the summary.
- 5) After the reviewer looks at any other information from the agency, the reviewer has to send a report to the Minister with their findings and recommendations.
- 6) The Minister has to look at the reviewer's report. The Minister decides whether to reverse, change or confirm the decision to have another person run the agency.
- 7) The Minister has to give the agency a decision in writing. This information has to include the reasons for that decision.