



Consumer Attendant Support Services Protection Act

**Presentation: 2010 Canadian
Conference on Elder Law - Session on
Regulation of Attendant Care Services**

Key Goals and Objectives

If adopted the proposed legislation will do the following:

1. Create a Consumer Advocate Office
2. Establish a new Governance Structure for Service Provider Boards
3. Address Consumers' Long Waiting Times for Attendant Services
4. Provide for a Dispute Resolution Process

Achievements to date:

- Met with Sylvia Jones MPP for Dufferin-Caledon, summer of 2008
- Meeting with the Abuse Prevention Working Group, 2008.
- Interview on Rogers TV, spring of 2008
- Wrote every MPP, spring of 2009
- Wrote every Community Care Access Centre, spring of 2008 (no response from any CCAC)
- Wrote every Local Health Integration Network, spring of 2008 (no response from any HIN to date)

Background:

- Currently, there is no legislation specific to attendant support services in Ontario
- Legislative authority comes from the Long-Term Care Act, 1994, specifically Section 3 Bill of Rights.
- These rights include the ability for a consumer to recommend changes to policies that the service provider has established. (Please see Section 3, Patient Bill Of Rights under The Long-Term Care Act, 1994)

Attendant Support Services Background

- In Ontario there are approximately 50 service providers that provide attendant support services to approximately 6,000 persons with disabilities.
- Local Health Integration Networks have the operational responsibility for attendant care services.

Create a Consumer Advocate Office

- To protect the interests of consumers during disputes between consumers and service providers, in accordance with Section 3 under The Long-Term Care Act, 1994.
- The Consumer Advocate would assist consumers in any dispute resolution process. The Consumer Advocate Office would develop an annual report to the Minister of Health and Long-Term Care outlining issues and concerns faced by consumers and service providers.

Establish a new Governance Structure for Service Provider Boards

- To give consumers a voice in the decision-making process of each service provider (note: some service providers will not allow consumers to serve on their board due to a perceived conflict of interest).

Address Consumers' Long Waiting Times for Attendant Services

- Research has shown that most individuals must wait at least five years or longer to receive attendant support services or move to another location where those services are provided as well.

Provide for a Dispute Resolution Process

- Most attendants are unionized and in any dispute they would have representation from their collective bargaining agent. Consumers are not provided any support in these processes.
- Once establishing legislation this process would give an equal voice to consumers during dispute resolution processes.

Create a Consumer Advocate Office

- Proposed by s. 3 of the Act
- Role to advocate for all consumers who receive attendant services in Ontario
- Proposed that MOHLTC establish the Consumer Advocate Office that is:
 - A cross-disability organization operating in Ontario
 - An incorporated, not-for-profit advocacy organization

Consumer Advocate Office

- Gives both consumers and service providers a fair and effective dispute resolution policy
- Will ensure service providers make every effort to protect both staff and consumers
- Service providers will be able to demonstrate openness and fairness

New Governance Structure

- s. 4 proposes all consumers who receive services are members of the service provider
- Boards required to make efforts to recruit consumers to the board
- Providers' bylaw to direct that the majority of board members be consumers of the services provided

Wait Times Review

- s. 7 proposes to examine wait times for individuals seeking attendant services
- Examination by a committee to report to the Minister, MOHLTC within 6 months of the Act receiving proclamation
- Committee to comprise:
 - Current and potential consumers
 - Consumer Advocate Office
 - Service providers

Dispute Resolution Process

- Currently there is no mechanism to ensure fairness and transparency when disputes arise
- A fair process will ensure all parties understand their rights and obligations
- Concerns about services will reach the board where decisions leading to positive change can take place
- The process will become part of a continuous improvement strategy within the service provider's organization

Please Support this Bill

- Please join forces with those who are promoting this bill
- It's the right thing to do
- It's the fair thing to do
- It's a win-win proposition