

Paratransit ELIGIBILITY POLICY



Québec 



PARATRANSIT

Eligibility Policy

Revised edition
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This publication was prepared by
the Direction de la mobilité en transport,
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de la sécurité en transport

English version

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To simplify the reading of this text,
the masculine form is used
to indicate either sex.

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Summary

The present policy, which has been in force since January 1, 1994, was developed in cooperation with representatives of the Office des personnes handicapées du Québec and the ministère de la Santé et des Services sociaux and its network, following consultation with the main organizations and associations concerned. The ministère des Transports reviewed the policy in 1997, clarifying certain points and making various changes, notably with respect to reviewing the files of eligible persons.

1. CONCEPTUAL FRAMEWORK

The **purpose** of **paratransit** is to promote the social, educational and professional integration of people with disabilities. It is designed to give them a degree of mobility and independence comparable to that enjoyed by the general public and to provide support for programs geared toward their integration.

The **policy** is intended to reach the following **objectives**: to define the context in which eligibility should be granted and determine which clientele are eligible, to provide greater uniformity and promote equity in dealing with applications, and to make the process for obtaining eligibility accessible to all disabled persons in Québec. The policy has been designed to give paratransit organizations and the ministère des Transports the means of reaching these objectives.

The policy rests on certain principles such as universal accessibility to the eligibility process, province-wide recognition of eligibility, the examination of applications on an individual basis and decisions based solely on recognized criteria. The policy is also built around principles of respect for a person's autonomy and the demands of parental responsibility. Lastly, the policy allows for changes in eligibility status and access to a review procedure.

2. ELIGIBILITY

To be eligible, a person must meet the following criteria:

1. The person must have a significant and persistent impairment and be restricted in carrying out normal activities;
2. The person must be so restricted in his movements that the use of specialized transportation services is justified. To meet this criterion, the applicant must have one of the following disabilities:
 - be unable to walk 400 metres on level ground;

- be unable to go up a step 35 centimetres high with support, or step down without support;
- be unable to go through all of the stages involved in a trip on public transport;
- be unable to keep track of time or find his bearings;
- be unable to communicate verbally or with signs;¹
- be unable to master situations or behaviour that could represent a danger for himself or for others.

Once a person has been recognized as eligible, the **level of eligibility** to be granted must be determined on the basis of his limitations and his potential for learning to use public transit.

An applicant may be granted general, provisional or seasonal eligibility, applicable to all trips, or only to those trips made to undergo hemodialysis or for which the public transit system has not been mastered.

The committee must also rule on the services of an accompanying person on a paratransit trip. Applicants who are unable to use paratransit services without assistance must necessarily be accompanied. Those who need time to become familiar with the paratransit service will require the temporary assistance of an accompanying person. Others who do not require assistance during the trip may be accompanied if the presence of the accompanying person does not enable them to use the public transport system. Lastly, eligible people may be accompanied in the interests of parental responsibility.

3. ROLE AND RESPONSIBILITIES OF PARTIES INVOLVED

The partners in the implementation of the policy include:

- the ministère des Transports du Québec, whose principal mandate consists in drawing up, publicizing, monitoring, supervising and assessing the application of the policy;
- the designated organization, which is responsible for the creation and operation of the eligibility committee and the appointment of the officer responsible for eligibility and his deputy. The designated organization also sees that any reports or information required to monitor and supervise the policy are forwarded to the ministère des Transports;
- the eligibility committee, which is responsible for deciding on eligibility to paratransit services. It is a tripartite committee made up of a representative of the designated organization (the officer responsible for eligibility), a representative of people with disabilities and a representative of the health and social services network. All decisions must be unanimous;
- the officer responsible for eligibility, who receives applications, sits on the eligibility committee, provides follow-up on files and meetings and contacts applicants;
- associations of people with disabilities which, through regional associations of advocacy groups, designate their representatives and, if applicable, their deputies to the eligibility committee and may help their members draw up applications;

¹ By itself, this disability does not constitute a criterion for eligibility. It must occur together with another disability.

- the health and social services network, which must appoint a representative and, if applicable, a deputy to the eligibility committee. Professionals in the network, in addition to attesting disabilities, must draw up a transportation program and train certain applicants to use the public transit system;
- the Office des personnes handicapées du Québec which, at the request of a person with a disability, may help with an application for eligibility, help in dealing with the ministère des Transports on anything to do with eligibility, and, if necessary, appoint a representative of people with disabilities to the eligibility committee;
- the review board is responsible for reviewing the decision of an eligibility committee at the request of an applicant or a user who feels wronged by that decision. The review board is a tripartite committee on which the ministère des Transports, the designated organizations and the Office des personnes handicapées du Québec are represented. Each of the three parties has equal representation and all the board's decisions must be made unanimously.

4. PROCESSING APPLICATIONS

The eligibility committee must process applications within 45 days of receiving them **if they are deemed complete by the officer responsible**. Decisions must be made in the presence of the three parties sitting on the committee. Each party has equal representation and the decision must be unanimous. Decisions may be reviewed if need be. When eligibility is revoked or the level of eligibility is changed, limiting the right to use paratransit services, a 75-day waiting period is required before the decision can take effect.

An applicant who disagrees with a decision rendered by the committee may, under certain conditions, have recourse to the review board.

Foreword

The ministère des Transports adopted a new paratransit eligibility policy in the second quarter of 1993, replacing the one that had been in effect since 1983. Two years after the new policy came into effect, the need was felt to clarify and correct certain aspects to facilitate its application. The ministère des Transports undertook the revision in 1996, being careful to consult the main organizations and associations concerned by the policy. The text presented here replaces the one adopted by the ministère des Transports in 1993.

The policy defines the criteria to be used in analysing applications for eligibility as well as the framework in which applications must be processed. It seeks, on the one hand, to make all people with disabilities eligible for paratransit if they require specialized transportation services and, on the other hand, to take into account their potential to learn to use the public transit system. In this respect, the health and social services network and the ministère de l'Éducation du Québec have a role to play in training people with disabilities to use regular public transit services, in order to integrate them as fully as possible into society.

It must be noted that this policy deals only with eligibility for paratransit services, irrespective of the financial, organizational or operational conditions of the service offered. A person declared eligible for paratransit services can benefit from the service to the extent that the resources are available and the rules established by the designated organization to ensure the reliability of the service and the safety of its users are respected.

Introduction

This publication has five chapters. Chapter 1 gives a brief review of the background and problems of paratransit. Chapter 2 presents the conceptual framework (definitions, objectives and principles) that constitutes the basis of the policy. The specific approach to be used in the analysis of applications for eligibility is described in Chapter 3. Eligibility criteria are set out, as well as guidelines for decisions on eligibility and the need for an accompanying person.

Chapters 4 and 5 define the roles and responsibilities of the parties involved in the application of this policy and set out the rules for processing applications and reviewing decisions.

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During the 1980s, paratransit services were set up virtually everywhere in Québec.

This boom was fostered by the adoption, in 1978, of the *Act to secure the handicapped in the exercise of their rights* (R.S.Q., c. E-20.1) which, among other things, obliged public transit companies to establish a development plan for public transit for the handicapped on their territory (section 67).

The following year, the government adopted Order in Council 2071-79, under the *Act respecting the ministère des Transports*, to subsidize public transit services for people with disabilities. This subsidy from the ministère des Transports, which covers 75% of eligible expenses, is intended not only for public transit companies obliged by law to provide services for people with disabilities, but for any municipality providing such services of its own free will.

Paratransit services developed rapidly. In 1980, nine services covered the territory of 66 municipalities in Québec, serving 4300 people, while in 1996, 99 services catered to the needs of 825 municipalities and some 44 000 people.

From 1978 to 1983, anyone satisfying the definition given in the *Act to secure the handicapped in the exercise of their rights* was considered eligible for paratransit services:

a person limited in the performance of normal activities who is suffering, significantly and permanently, from a physical or mental deficiency, or who regularly uses a prosthesis or an orthopaedic device or any other means of palliating his handicap.

This definition, used as a criterion of eligibility for paratransit services, rapidly changed the profile of the paratransit clientele. People who were considered non-ambulatory accounted for 75% of the clientele in 1979 and for only 30% in 1982.

Already in 1982, the need was felt to more clearly define the context within which the eligibility of an applicant should be determined and the criteria on which this decision should rest. Some services, for instance, did not have an eligibility committee while others had no application forms; the criteria used to determine eligibility could vary considerably from one service to another.

In 1982, a task force was set up, composed of representatives of the Office des personnes handicapées du Québec, the ministère des Transports du Québec, the ministère des Affaires

sociales, advocacy groups representing people with disabilities, the Regroupement des usagers du transport adapté de la Communauté urbaine de Montréal and carriers. The mandate of this task force was to propose a definition of eligibility for paratransit and set standards and criteria for establishing such eligibility.

In 1982, a task force was set up, composed of representatives of the Office des personnes handicapées du Québec, the ministère des Transports du Québec, the ministère des Affaires sociales, advocacy groups representing disabled persons, the Regroupement des usagers du transport adapté de la Communauté urbaine de Montréal and carriers. The mandate of this task force was to propose a definition of eligibility for paratransit and set standards and criteria for establishing such eligibility.

On the basis of the recommendations drawn up by this task force, the ministère des Transports published its *Policy on the eligibility of people with disabilities to paratransit* in April 1983. Under this policy, anyone satisfying the following conditions could be declared eligible for paratransit:

- be a person with a disability within the meaning of the *Act to secure the handicapped in the exercise of their rights*;
- have an impairment that reduces one's mobility, ability or autonomy and makes it impossible to use a regular public transit service.

This policy obliged each paratransit service to set up an eligibility committee. This is a bipartite committee, made up of one or more representatives of the public transit company or the municipality or municipalities and one or more representatives of people with disabilities. The committee must rule on all eligibility applications sent to the service.

Six years after the introduction of this policy, the ministère des Transports undertook to evaluate it, mainly to determine whether the objectives of fair application of eligibility criteria and standardization of procedures for analysing applications were being met. The *Rapport de l'étude d'évaluation de la politique d'admissibilité au transport adapté* (May 1990) showed that the objectives sought were only partially reached.

The study underscored the following points:

- irregular make-up of eligibility committees, committee members absent from meetings, delays in processing applications;
- lack of information and training, committee members who did not understand the eligibility criteria, resulting lack of homogeneity from one service to another in the application of the criteria;
- problems posed when public transit was not available.

Social policies advocating deinstitutionalization and home maintenance, as well as the aging of the population, gave rise to an additional problem: more and more people were applying for paratransit, while it was becoming increasingly difficult to rule on new applications on the basis of existing eligibility criteria. In this context, and given the urgent requests of user representatives, eligibility committee members and carriers, the ministère des Transports du Québec considered it necessary to revise its policy and, more particularly, its criteria. The new policy on eligibility for paratransit came into effect on January 1, 1994.

In 1997, the ministère des Transports made certain changes to the 1994 policy in order to facilitate its application. The principal changes were as follows:

- refinements regarding the presence of accompanying persons in the interests of parental responsibility;
- removal of the obligation for statutory review of all files every three years, and establishment of a more flexible file review procedure;
- changes in the conditions to be met by applications for review by the review board.

Conceptual Framework

2

This chapter describes the guidelines on which the paratransit eligibility policy is based. It defines paratransit and its objectives as well as the conditions of eligibility for the service. It also gives the scope of the policy on paratransit, its objectives and the underlying principles.

2.1 Paratransit and its objectives

For the purposes of this policy, paratransit is defined as follows:

- specialized group transportation organized for people with disabilities with prior authorization, under the responsibility of public transit companies or participating municipalities.²

Paratransit for people with disabilities is subject to the provisions of the program to assist paratransit services. Financial assistance for paratransit will depend on whether or not the eligibility policy and the terms and conditions outlined in the assistance program have been respected.

Paratransit is generally a door-to-door service. It can also be offered to and from specific points. It may be provided on request or along fixed routes, using standard or adapted vehicles.

The purpose of paratransit is to:

- promote the integration of people with disabilities into social, school³ and professional life. Maintaining people with disabilities in their natural environment and integrating them into the activities of that environment require that they have a means of transportation to reach those activities and to obtain the services they require;

Paratransit seeks to achieve two goals:

- to offer persons with disabilities that severely restrict their mobility group paratransit services that give them a degree of mobility and autonomy comparable to that enjoyed by people generally;

and

2 A participating municipality is a municipality located outside the territory of public transit companies that has voluntarily decided to set up a paratransit service.
 3 School transportation for elementary and secondary students is still under the responsibility of the school boards and private educational institutions.

- to serve as support for various programs (government or other) geared to the integration of persons with disabilities: home maintenance programs, schooling, recreational activities, access to employment, etc.

2.2 Eligibility for paratransit

Many people have reduced mobility, which means they have varying degrees of difficulty moving from one place to another, for a number of reasons. These difficulties can impede or prevent their use of regular public transit. The difficulty may be sporadic, temporary or permanent. People with reduced mobility include the elderly, persons with disabilities and persons whose activities are temporarily reduced as the result of an accident or an illness.

Not everyone whose mobility is reduced requires paratransit, which is a service designed for people with one or more disabilities resulting from certain impairments. However, not all disabilities give rise to a need for specialized transportation.

Therefore, for the purposes of this policy, anyone satisfying *both* of the following conditions will be considered eligible for paratransit:

- 1- the person must have a disability, that is, have a **significant, persistent impairment** and be limited in carrying out normal activities,
and
- 2- the person must have limited mobility that makes the use of specialized transportation services necessary.

2.3 Objectives of the eligibility policy

The eligibility policy was drawn up with the following objectives in mind:

- to define the circumstances in which a person is eligible for paratransit;
- to identify the clientele eligible for paratransit;
- to standardize the processing of applications;
- to promote fairness in processing applications;
- to make the process of applying for eligibility for paratransit accessible to anyone living in Québec;
- to give paratransit organizations and the ministère des Transports the means to reach these objectives.

2.4 Principles

The following principles underlie this policy:

① *Universal accessibility to the application process*

Regardless of place of residence and the availability of paratransit any person with disability must be able to submit an application for eligibility and have it processed.

2 *Provincial recognition of eligibility*

A person eligible for paratransit is given a card recognized throughout Québec. That person does not then have to prove his eligibility when calling upon another paratransit service.

3 *Individual examination of applications*

An application must be analysed and processed on an individual basis.

4 *Decision based entirely on recognized criteria*

The only criteria to be used when evaluating the eligibility of an applicant are those defined in this policy. No one applying for eligibility can be excluded on the grounds of age, type of impairment, device or equipment required, behavioural disorders, type of residence (natural home, reception centre, pavilion, group home, etc.) or other factor related to individual socioeconomic conditions⁴ *Thus, the ability of an organization to serve its clientele may not be taken into consideration when analysing and processing an application.* As a result, no decision on eligibility may be made in terms of the organizational, financial or operational constraints of an organization.

5 *Personal autonomy*

The use of the regular public transit system is encouraged in an effort to integrate persons with disabilities into the community. Therefore, only applicants who really need paratransit should be declared eligible for that service. Even then, the eligibility level given an applicant must reflect **real needs** and, if applicable, the ability to learn to use regular public transit services.

Along the same lines, the decision as to whether a person with a disability has to be accompanied on paratransit trips must encourage individual autonomy. In this respect, the need for a person to be accompanied will only be recognized when his disabilities or behavioural disorders absolutely demand the presence of an accompanying person during the trip.

6 *Right to the exercise of parental responsibility*

As a parent, an eligible person must be allowed, when necessary, to travel with a child when using paratransit services. Similarly, an eligible child under the age of 14 must be allowed to travel with an adult (mother, father, tutor or sitter) when unable to use public transit even when accompanied.

7 *Eligibility status*

Client files may be reviewed if necessary, and a former decision overturned on the basis of new facts. A person's eligibility status may be changed or even revoked. A person may also, at any time, request that a decision be reviewed, if new facts justify such a move.

8 *Access to the review process*

An applicant denied eligibility for paratransit or who does not agree with the decision rendered may, under certain conditions, appeal for a review.

⁴ These criteria against discrimination arising from the principles on which this policy is based in no way exclude the criteria forbidden under sections 10, 15 and 71, paragraph (1) of the Québec Charter of Human Rights and Freedoms (R.S.Q, c. C-12).

3

Applications for eligibility must be analysed on the basis of the requirements and criteria defined in section 3.1. **These are the only requirements and criteria on which eligibility is decided.** Thus, a person is not declared eligible for paratransit simply because of an impairment, but rather because of the disabilities that result from it.

It is important to remember that age in itself is not an obstacle justifying eligibility. Being *elderly* does not make a person eligible for paratransit.

In the same way, physical or psychological immaturity, which is not attributable to one or more impairments but rather to the *young age of the person*, cannot be considered a criterion of eligibility.

It is generally acknowledged that children under six years of age must travel with a responsible person. A child of that age who satisfies the criteria will be declared eligible only if certain characteristics of his impairment, or of the equipment he must use, make it impossible or very difficult for him to use the public transit system, even when accompanied.

Once a person has been judged eligible, the next step in the process is to establish a level of eligibility and the degree of assistance required from an accompanying person, given the person's needs and the desire to enable the person to use regular public transit services where possible. More than one type of eligibility or assistance may be granted to the same person. It must be remembered that eligibility is not granted once and for all; therefore, the consideration of new facts can make a person ineligible or change the nature of his eligibility or assistance.

If a person with a disability is significantly limited in his mobility only when travelling in winter, when making unfamiliar trips or when travelling with a young child, it would be counterproductive to offer him paratransit services at all times. The applicant's potential for learning to use the regular public transit system must also be considered, a potential that may be reduced by certain factors such as age, basic autonomy, or **related impairments**.

While this approach considers the applicant's ability to learn to use the public transit system, a person who meets the eligibility requirements cannot be penalized because of certain environmental characteristics that make it difficult to acquire the skills required: few or no public transit services, no access to or non-existence of evaluation or rehabilitation services. This policy therefore identifies the elements that must be taken into account when analysing an application, particularly with respect to learning potential.

3.1 Eligibility criteria

To be eligible for paratransit, a person must meet the following requirements.

1. He must have a disability, that is, have a significant, persistent impairment and be limited in carrying out normal activities;
- and*
2. he must have limitations⁵ to mobility justifying the use of paratransit services.

3.1.1 DISABLED PERSON

A few definitions are required in order to avoid different interpretations of who is eligible when analysing applications for paratransit.

An impairment is defined as follows:

An impairment is a loss, a malformation, an abnormality or insufficiency of an organ, of a structure, of a function, be it mental, psychological or anatomical.⁶

An impairment may result from an illness, an accident, a trauma or a congenital problem; a person may have one or more impairments. There are a number of categories of impairments: intellectual impairments, psychological impairments, motor impairments, organic impairments, visual impairments, hearing impairments, speech impairments, etc.

Stating that an applicant's impairment must be significant and persistent excludes all *temporary* impairments or impairments that have no serious consequences for the person. The applicant's impairment must restrict his ability to carry out normal activities.

3.1.2 LIMITATIONS TO MOBILITY JUSTIFYING THE USE OF PARATRANSIT SERVICES

Having a disability does not necessarily mean that a person is severely limited in his mobility. Thus, a person with a disability may encounter obstacles during outings, yet not require the use of paratransit services. In addition, disabilities must not be taken into account when a special service is used that fully compensates for them.

Certain difficulties have been identified as being more significant in terms of mobility and requiring the use of paratransit services. For the purposes of this policy, we refer in these cases to disabilities. A disability is the lack of ability to carry out an activity in the manner or within limits considered normal for a human being; this lack may be permanent, temporary or sporadic and must result from an impairment.

Six disabilities are used for ruling on eligibility for paratransit. The main impairments from which the disability may result are given in each case. **The impact of related impairments on the person's difficulties must be taken into consideration.**

⁵ Section 3.1.2 lists the disabilities recognized as limiting the mobility of the applicant and justifying the use of paratransit.

⁶ Source: Office des personnes handicapées du Québec and the Association des centres d'accueil du Québec, *Précisions sur les contenus de la politique d'ensemble À Part...Égale*, 1986, p. 6.

- ① inability to walk 400 metres⁷ on even ground, because of a motor or organic impairment. The disability may affect the applicant at all times or only during winter. The inability to walk in winter may be due to the cold, in the case of people with *severe respiratory problems*. The poor condition of the roads in winter (ice or snow on the sidewalks or the portion of the road used by pedestrians) may also make it unsafe for people with motor or organic impairments to use them.

In some cases, the inability to walk may be felt only when the person must take a young child (under six years of age) with him.

Certain functional aspects that are affected by the lasting of the trip must be taken into consideration when evaluating this disability.

- ② inability to climb a step 35 centimetres high⁸ with support, or inability to descend without support, because of a motor or organic impairment. For some people, this disability may only be felt when a trip is made with a child under six years of age.
- ③ inability to make an entire trip using public transit, because of extreme susceptibility to fatigue⁹ resulting from *severe and chronic cardiac or respiratory insufficiency, a severe neurological impairment or a musculo-skeletal impairment*. For some people with *kidney failure, this disability is valid only for trips made to undergo hemodialysis*.
- ④ inability to keep track of time or find one's bearings, because of an *intellectual impairment, a severe and persistent mental disorder, autism or a pathological or traumatic neurological disorder*. The inability to find one's bearings may also result from a *visual impairment* resulting in vision of 6/60 or less or a visual field of less than 20°, with the appropriate corrective lenses. Someone with a visual impairment may be unable to find his bearings only at night or during the winter.

In some cases, this disability only applies when the person is making a trip with which he is not familiar or one that presents specific difficulties (when he must go to a stop used by buses on different routes, for instance).

- ⑤ inability to master situations or behaviour that could compromise one's own safety or that of others

The inability to master situations that could compromise one's own safety may result from *an intellectual impairment, a visual impairment* (vision of 6/60 or less or a visual field of less than 20°, with the appropriate corrective lenses), *a severe and persistent mental disorder, autism, a severe neurological disorder, or uncontrolled or partially controlled epilepsy* giving rise to frequent and severe seizures.

In certain cases, the inability to master situations that could compromise one's own safety exists only during unfamiliar trips, winter trips or specific trips (involving a particularly dangerous street crossing, for instance). In some cases of visual impairment, a problem may exist only during night trips or trips made in the company of a young child.

7 Statistics Canada used the 400-metre criterion in its Health and Activity Limitation Survey to determine the inability to walk.

8 The maximum height to climb to enter a bus from the road does not usually exceed 33.4 centimetres. If the bus is boarded from the sidewalk, the height is proportionately lower.

9 Fatigue results from the cumulative effect of all the stages of a trip: getting to the stop, waiting for the bus, climbing on board, finding a place to sit, getting off and reaching the final destination.

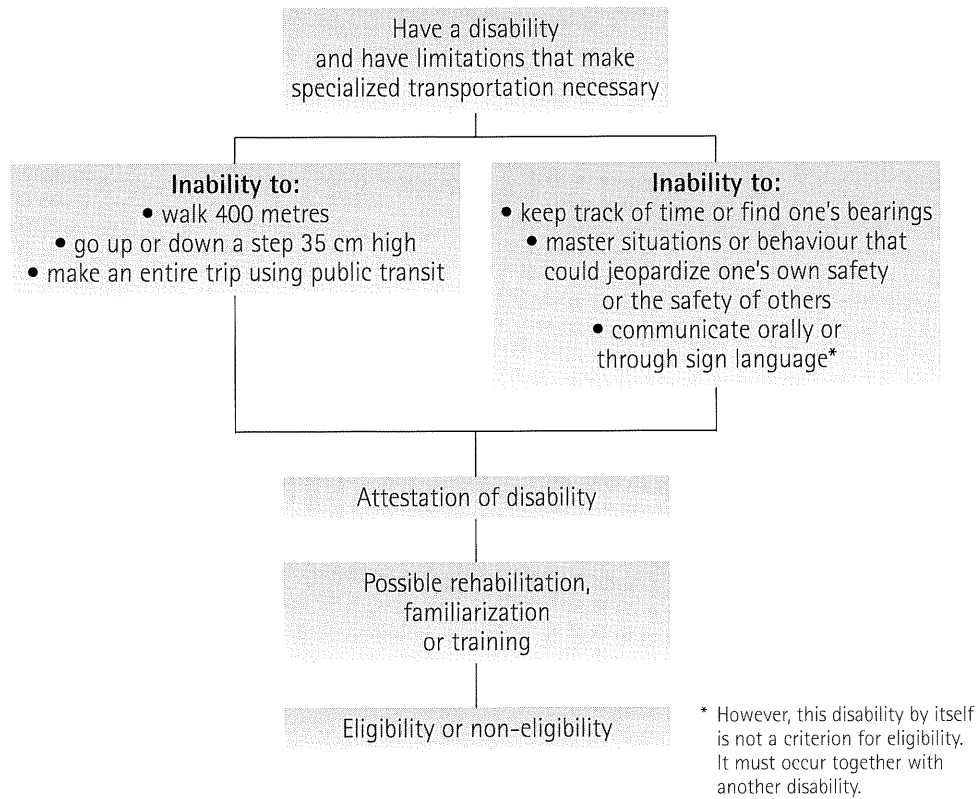
The inability to master behaviour that could compromise the safety of others may result from an intellectual impairment, a severe and persistent mental disorder or autism.

- ⑥ *inability to communicate orally or through sign language*, because of *autism, an intellectual impairment, a severe and persistent mental disorder, being both deaf and blind, or a severe neurological disorder*. However, this disability by itself is not a criterion for eligibility. It must occur together with another disability.

When an applicant meets both criteria for admission (has a disability and is unable to perform at least one of the above tasks), he is declared eligible for paratransit. A decision must then be reached on the level of eligibility and the type of assistance to grant him.

Figure 1 gives a summary of the eligibility criteria and the general process for determining eligibility.

FIGURE 1
ELIGIBILITY CRITERIA AND GENERAL PROCESS FOR DECLARING ELIGIBILITY



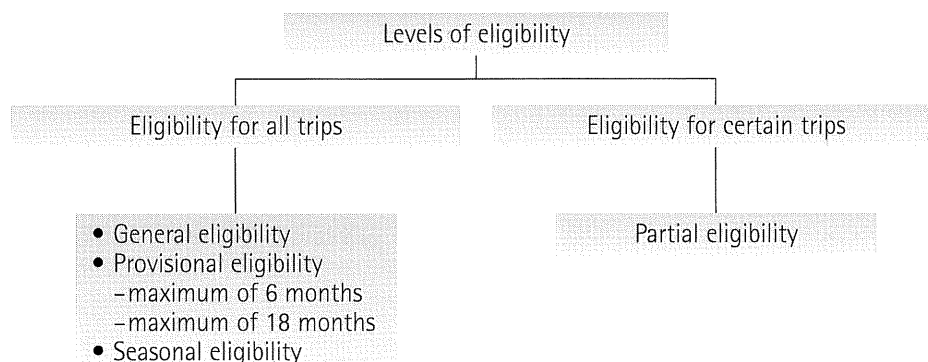
3.2 Levels of eligibility

An applicant may be given general eligibility, provisional eligibility or seasonal eligibility, applicable to all trips, or partial eligibility, applicable to specific trips only (FIGURE 2).

Everyone declared eligible for paratransit will be given a card certifying his eligibility. As a result, anyone holding such a card may, as a visitor, use any paratransit service in Québec

without having to submit a new application for eligibility.¹⁰ The user must, however, respect the rules for reserving that service and will receive the service according to the availability of resources.

FIGURE 2
LEVELS OF ELIGIBILITY



3.2.1 ELIGIBILITY FOR ALL TRIPS

Eligibility for all trips, as the expression suggests, means that the user has access to para-transit for all trips. If the user has been granted general eligibility, his card is valid at all times; if he has been granted provisional or seasonal eligibility, his card is valid within certain limits.

1. General eligibility

General eligibility is granted when public transit could not be used for any trip, even if the person became familiar with it and learned to use it.

General eligibility is also granted to a person who meets the disability criteria and who cannot learn to use or cannot acquire familiarity with public transit because training resources do not exist or because public transit service in the area is nonexistent, too complicated or not suited to the trips which must be made.

General eligibility is also granted to a person with a disability who has failed to learn any of the routes he might need to take on the public transit system.

2. Provisional eligibility

In some cases, when the eligibility committee is not in a position to grant a definitive eligibility status, provisional eligibility may be given the applicant. This status, which, as a rule, can only be given new applicants, is a transitional measure that enables the applicant to use para-transit services temporarily for all his trips. Provisional eligibility may be granted for a maximum of 6 or 18 months, depending on the case.

¹⁰ When the organization used is in a neighbouring area, or if the person is taken directly to the territory of the organization visited by the organization in the area where he is eligible, the service may be conditional on a reciprocal agreement between the organizations concerned.

- maximum of 6 months

Provisional eligibility for a maximum of 6 months may be granted exceptionally to an applicant who must undergo, in support of his application, an evaluation of his disability by a professional in the network and, if applicable, of his potential for learning to use public transportation. As soon as the committee receives the evaluation results, the applicant will be granted the appropriate level of eligibility, which may be provisional eligibility for a maximum of 18 months, or refused eligibility altogether.

- maximum of 18 months

Provisional eligibility for a maximum of 18 months is granted when the applicant has the potential to learn to use public transit and it is possible to do so in his area, i.e. the public transit system is adequate and the human resources are available to give the training. The 18-month period must be used to draw up a transportation program and provide the training, following which the committee will grant general, provisional or seasonal eligibility or refuse eligibility, depending on the results of the training.

Provisional eligibility for a maximum of 18 months may also be granted to an applicant with a physical impairment who is in rehabilitation. This rehabilitation may have an impact on the severity of his disabilities and/or his ability to use public transit for some or all of his trips.

3. Seasonal eligibility

This level of eligibility gives the user the right to use paratransit services only during the winter, because the constraints he experiences at other times of the year do not justify the use of specialized transport.

3.2.2 ELIGIBILITY FOR CERTAIN TRIPS

This type of eligibility entitles the user to paratransit services for certain trips only. He will therefore be granted partial eligibility.

1. Partial eligibility

When a user has become familiar with certain trips on the public transit network, his use of paratransit will be limited to trips he has not learned to take. These may be trips the user cannot master or has not learned to make because the public transit service is too complex on that route or does not offer adequate service for the trip in question. Certain trips cannot be mastered because they are not made often enough or over a long enough period to justify devoting human resources to the task of training the applicant.

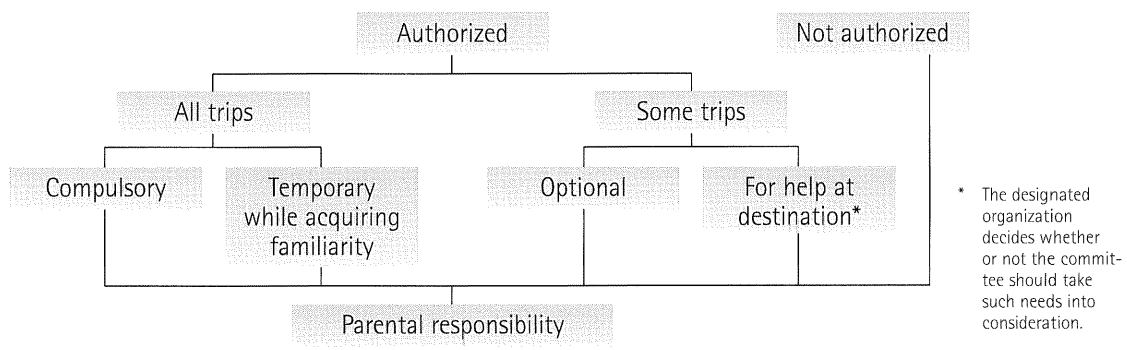
On the other hand, a person may be declared eligible only for the trips he takes with a child under six years of age, in the evening or to undergo hemodialysis, because the constraints he experiences at other times do not justify his use of specialized transport for his trips.

3.3 Rules governing the presence of accompanying persons

When an applicant is declared eligible, a decision must also be reached on the types of accompanying service required to meet predictable needs or to compensate for the constraints the applicant experiences, keeping in mind the desire to foster personal autonomy (FIGURE 3).

It is important to note that a guide dog or a service dog is never equated with an accompanying person. Consequently, any eligible person may travel with such a dog, just as he may travel with an orthosis (cane, crutches, etc.), regardless of the type of transport authorized.

FIGURE 3
TYPES OF ACCOMPANYING SERVICE



3.3.1 AUTHORIZATION FOR AN ACCOMPANYING PERSON FOR ALL TRIPS

Compulsory presence

Paratransit is generally a door-to-door service using adapted vehicles that enable people in wheelchairs and people using orthopaedic devices to board. The assistance given by the driver meets most of the needs of the passengers as they get on or off the vehicle and during the trip. The driver provides physical assistance, maintains discipline and attends to especially nervous passengers. Consequently, for most paratransit users the presence of an accompanying person is not an absolute necessity.

However, there are users who require a degree of physical or psychological assistance during the trip that the driver cannot provide while he is busy at the wheel. An accompanying person must be with these people who would otherwise be unable to travel.

The committee's decision to make the presence of an accompanying person compulsory must be based mainly on the difficulties the applicant may encounter during a trip. There are a number of cases where an accompanying person is necessary, especially cases where people have problems of posture,¹¹ pathological insecurity or behaviour.¹² The presence of an accom-

11 These problems result from physical instability. The person is unable to maintain or change his position and can therefore suffer discomfort, be injured or be made insecure. However, a person who is not prone to frequent problems of posture will not necessarily require the compulsory presence of an accompanying person.

12 Before making the presence of an accompanying person compulsory for people with behavioural disorders, the committee must find out from the professionals concerned whether there are any measures that could relieve the person of the need to be accompanied (being assigned his own place in the vehicle, for instance).

panying person may also be essential in exceptional circumstances, for people requiring medical assistance during a trip (ex: suction). In the case of an applicant declared eligible mainly because of his inability to control certain behaviour that could jeopardize his own safety or that of others, the task of an accompanying person is to curb such behaviour.

Only in the above cases is the presence of an accompanying person considered compulsory during paratransit trips, since the use of the service would otherwise be impossible or dangerous.

The accompanying person provides essential support for the person with a disability in these circumstances. Given this role, he must be a responsible person, at least 14 years old, who is able to give the disabled user the assistance he requires during the trip.

When the presence of an accompanying person is compulsory, that person is assured of a place in the vehicle, free of charge, at the time the reservation is made.

Accompanying persons temporarily required to assist in familiarization

Some people with severe and persistent mental disorders require the assistance of an accompanying person during trips on a temporary basis, until they have acquired the skills needed to control their behaviour or their anxiety. This temporary assistance must be provided by an adult who serves as an educator.

This type of service, which is the first step in a process of familiarization with group transit, should lead to the use of paratransit services without an accompanying person and, ideally, result ultimately in the autonomous use of public transit services. Temporary assistance in order to become familiar with paratransit services is granted for a maximum of six months, following which the eligibility committee must reevaluate the need for an accompanying person. This person is assured of a place on the adapted vehicle and does not have to pay his way.

3.3.2 ACCOMPANYING PERSONS AUTHORIZED FOR CERTAIN TRIPS

Optional presence

People who do not absolutely require psychological or physical assistance during a trip may nevertheless be accompanied while using paratransit services.

This option means that the accompanying person must pay his way and the paratransit service cannot guarantee a place for him in the vehicle when the reservation is made. However, the carrier must confirm the accompanying person's place for the trip to and from the user's destination as soon as possible.

For practical reasons, the number of optional accompanying persons is limited to one per user.

Accompanying persons required to assist user at destination

Some users do not require an accompanying person during the trip, but, in view of their disabilities, may need help at their destination on certain trips (ex: finding their way, moving about).

It is not primarily the responsibility of paratransit services to see that a user has someone to accompany him once he has reached his destination. However, it is only reasonable to authorize the presence of an accompanying person on an adapted vehicle. It is up to the designated organization to grant or refuse authorization to the eligibility committee to take into consideration a user's need for assistance at his destination.

A user who requests that an accompanying person be taken on a trip to help him at his destination must do so when making his reservation. The accompanying person must be responsible, at least 14 years old, and capable of providing the required assistance at destination. He is assured of a place in the vehicle when the reservation is made, but must pay his own way.

3.3.3 AN ACCOMPANYING PERSON IN CASES OF PARENTAL RESPONSIBILITY

In order to respect the principle of parental responsibility, any disabled parent and any disabled child under 14 years of age may travel with an accompanying person while using paratransit:

- a disabled parent may be accompanied by his children under 14 years of age;
- a disabled child under 14 years of age may travel with his parents¹³ (and, if applicable, with another member of the immediate family under 14 years of age) or a person responsible for him, provided their presence does not enable the child to overcome his disabilities so that he can use the public transit network;
- a disabled child under six years of age must be accompanied by a responsible person aged 14 or over when travelling.¹⁴ If that disabled child is able to use regular public transport in the company of his parents or a responsible person, he cannot be declared eligible for paratransit.

When a user is travelling with a child or with a parent or other person exercising parental responsibilities, that child¹⁵ or parent or other responsible person must pay his way, and his place in the adapted vehicle must be confirmed when the reservation is made.

3.3.4 UNAUTHORIZED ACCOMPANYING PERSONS

Some paratransit users are able to use public transit when accompanied by another person. The presence of an accompanying person compensates for the user's disabilities. In such cases, people with disabilities are not authorized to be accompanied when they use paratransit services.

¹³ The safety standards on seat belts stipulated in the *Highway Safety Code* (sections 396 and 397) must be observed at all times.

¹⁴ The designated organization may, however, authorize certain exceptions to this rule, while specifying the conditions to be complied with.

¹⁵ Depending on the fare policy of the public transport service, children are required to pay when they are five or six years of age and over. In the absence of such a service, payment is to be made for children six years of age and over.

4

Role and Responsibilities of the Parties Involved

The main partners in the implementation of the eligibility policy are the ministère des Transports du Québec, the designated organization, the eligibility committee, particularly the officer responsible for eligibility, the review board and the associations representing people with disabilities, the health and social services network, and the Office des personnes handicapées du Québec. The ministère de l'Éducation and public transit companies also have a role to play.

4.1 Ministère des Transports du Québec

The ministère des Transports du Québec is responsible, at the provincial level, for drawing up, publicizing, monitoring, supervising and assessing the application of this policy. The department must therefore inform the various parties of their role and responsibilities. It may consult them to ensure that the policy is applied equitably and request them, as the need arises, to submit reports enabling the department to follow up the application of the policy. Should a designated organization or an eligibility committee fail to respect this policy, the department can withhold the subsidies provided under the assistance program for adapted transportation.

The department is responsible for training the members of the eligibility committees and can participate in any meeting or answer any request sent to it about the interpretation or meaning of this policy in practice. To that end, it can draw up and send out notes or directives clarifying the policy. The department may change this policy following the recommendations of the review board or other parties, or in the light of the findings of assessment studies.

It is up to the ministère des Transports to issue the eligibility application form. The ministère des Transports is also responsible for making one of the existing eligibility committees in each region responsible for processing applications from people residing in an area that does not have a paratransit service. The department must see to it that each region of Québec has an eligibility committee designated for that purpose.

Lastly, the department must see that a review board is set up and appoint a representative to it, as well as two deputies

4.2 Designated organization

The designated organization is either a public transit company (PTC), a municipality, a regional county municipality (RCM) or an conseil intermunicipal de transport (C.I.T.) or an intermunicipal transport board (ITB). This organization is responsible at the local level for the creation and operation of the eligibility committee, in keeping with the terms and conditions set out in this policy. It does not, however, have a say in the decisions on applications for eligibility made by the committee.¹⁶ Since it is the task of the designated organization to set up the eligibility committee, it must appoint an officer responsible for eligibility and see that the other parties on the committee appoint a representative. The designated organization must also inform the ministère des Transports of the creation and make-up of the committee and of any changes made at a later date.

The organization is also responsible for the smooth operation of the eligibility committee. It must therefore agree on operating rules with that committee, rules that must not, however, affect the decisions of the committee. The organization must also support the committee in its activities by providing it with suitable premises for its meetings, with the supplies and office equipment required to carry out its role and with the technical support it may need. In some cases, the designated organization may entrust these last responsibilities to a delegated organization, that is, a non-profit organization that has a memorandum of understanding with the participating municipalities for the administration of the paratransit service.

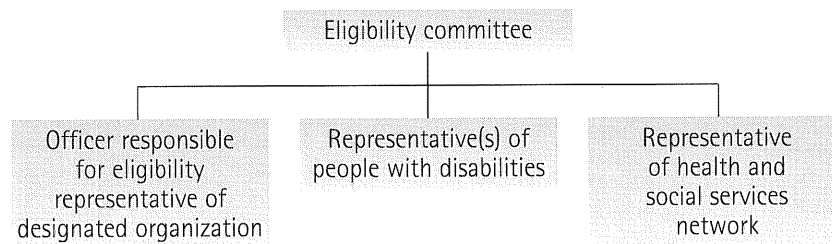
Lastly, the designated organization must see that the ministère des Transports receives all the reports and other information it needs to ensure policy follow-up and control.

4.3 Eligibility committee (FIGURE 4)

The eligibility committee is the local authority mandated to make decisions on eligibility applications. Only the members of this committee are empowered to make decisions on a person's eligibility for paratransit services¹⁷ and all decisions must be unanimous.

FIGURE 4

COMPOSITION OF THE ELIGIBILITY COMMITTEE



¹⁶ It is nevertheless up to the designated organization to decide whether or not the eligibility committee may authorize transportation for an accompanying person to assist a user at his destination (section 3.3.2) or make an exception to the rule on compulsory accompaniment for children under six years of age (section 3.3.3) and to determine in what circumstances the officer responsible for eligibility is authorized to grant pre-eligibility status to an applicant (section 5.2).

¹⁷ The review board (see section 4.4) can nevertheless uphold, quash or change a decision made by the eligibility committee.

The eligibility committee must rule on each application it receives. It must review a user's file when new facts justify such a procedure and, if necessary, change a decision made earlier by it or by the review board.

Committee members have a two-year renewable term. If a member resigns during the course of his term, he must give notice in writing to the designated organization, which will see that his seat is filled as quickly as possible.

The eligibility committee is a tripartite committee on which sit representatives of the designated organization, of people with disabilities and of the health and social services network. Each of the three parties has equal power of representation. The committee is made up of:

- one representative of the designated organization, namely, the officer responsible for eligibility;
- one to three representatives of people with disabilities, representing the various categories of impairment;¹⁸
- one representative of the health and social services network.

Each member may have a deputy.

4.3.1 *THE OFFICER RESPONSIBLE FOR ELIGIBILITY*

The officer responsible for eligibility, appointed by the designated organization, may be a municipal councillor, a director of paratransit services, a coordinator of paratransit services, an employee of the designated organization or an employee of the non-profit organization running the transit service (delegated organization). The officer responsible for eligibility represents the designated organization on the eligibility committee. He and, if applicable, his deputy must be chosen for their availability and their familiarity with the transportation problems encountered by people with disabilities.

The role of the officer responsible for eligibility is to carry out certain administrative tasks essential to the smooth operation of the eligibility committee: receiving and screening applications, contacting applicants and other people (resource persons, health and social services professionals or other professionals) and preparing committee meetings, ensuring follow-up and drawing up reports. This officer must also collaborate with the carrier on the administrative review of files.

In certain circumstances provided for by the designated organization, the officer responsible for eligibility can give pre-eligibility status to applicants.

4.3.2 *REPRESENTATIVE(S) OF PEOPLE WITH DISABILITIES*

The appointment to the eligibility committee of one or more representatives of people with disabilities, and, if applicable, of their deputies, is the responsibility of the board of directors of the regional association of advocacy groups for people with disabilities or, if no such organiza-

¹⁸ Only one representative has a voice on the committee when decisions are being made.

tion exists, of the Office des personnes handicapées du Québec. The appointment must be made at a general assembly of all the organizations in the region that represent people with disabilities. All the representatives of people with disabilities and, if applicable, their deputies must reside in the region served by the paratransit service and be chosen for their availability and their familiarity with the transportation problems encountered by people with disabilities. When only one representative sits on a committee, that person must be well aware of the disabilities characteristic of the various categories of impairment and of the transportation needs that can result.

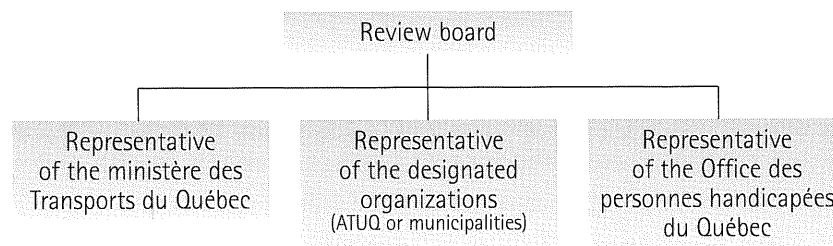
4.3.3 REPRESENTATIVE OF THE HEALTH AND SOCIAL SERVICES NETWORK

This representative and, if applicable, his deputy are appointed by the regional health and social services board and must be chosen for their availability and their familiarity with the transportation problems encountered by people with disabilities. They must also have a sound knowledge of the disabilities characterizing the various categories of impairment and the transportation needs that can result. In this respect, the representative of the regional health and social services network may sit on more than one eligibility committee in the region.

4.4 Review board (FIGURE 5)

The review board is the provincial decision-making body responsible for reviewing certain decisions rendered by eligibility committees at the request of a user or an applicant (or his legal representative).

FIGURE 5
COMPOSITION OF THE REVIEW BOARD



The review board, like the eligibility committees, is a tripartite committee, on which the ministère des Transports, the designated organizations and the Office des personnes handicapées du Québec are represented. Each of the three parties has equal power of representation and all the board's decisions must be made unanimously. The ministère des Transports du Québec representative chairs the meetings.

The ministère des Transports and the Office des personnes handicapées du Québec must each name a representative and two deputies. The designated organizations, that is, the public transit companies (through the Association du transport urbain du Québec) and the municipalities, must also each name a representative and two deputies. One or the other of these representatives will be called upon to sit on the review board, depending on whether the applicant requesting the review resides in a territory served by a public transit company or in the territory of a municipality that is not served by such a company.

All the representatives sitting on the review board, and their deputies, are chosen for their familiarity with the transportation problems encountered by people with disabilities and must have an acknowledged mastery of the application of the paratransit eligibility policy.

The members of the review board must request the expert advice of specialists when necessary in order to fully understand the problem created by certain impairments and ably review the files submitted to them.

As mentioned earlier, the main purpose of the review board is to review the decisions of eligibility committees, at the request of applicants or users (or their legal representatives) who feel they have been wronged by the decisions rendered. In addition to this function, the review board is empowered to make recommendations to the ministère des Transports du Québec on the application of the eligibility policy, since its status as a provincial body gives it an overview of processing procedures.

4.5 Associations of people with disabilities

In consultation with its members, the regional association of advocacy groups for people with disabilities sees that the latter have one or more representatives on the eligibility committee. The various associations of people with disabilities may also help their members prepare their applications for eligibility.

4.6 Health and social services network

Professionals working in the health and social services network play a major role in the decisions made on applications for eligibility. Even though these decisions are the responsibility of the eligibility committee and, where applicable, the review board, they are nevertheless based on the attestations provided by professionals in the network: attestation of disability, evaluation of learning potential, etc.

Professionals in the health and social services network also have an educational role to play in assisting people with disabilities to remain in their natural environment, specifically in the case of applicants with an intellectual or visual impairment, severe and persistent mental disorders or autistic characteristics, who can learn to use public transit. In this respect, the professionals involved must see that a transportation program is set up within the framework of the treatment program; this will be an important tool for the eligibility committee when it decides on the level of eligibility to be granted and the role of an accompanying person.

Although a representative of the health and social services network sits on the eligibility committee, the committee may consult other professionals in the network if need be, to obtain their expert opinion.

4.7 Office des personnes handicapées du Québec

The Office des personnes handicapées du Québec coordinates services for people with disabilities, informs and advises them, promotes their interests, and encourages their academic, vocational and social integration.

In the regions, the Office staff brings partners together to establish and develop paratransit services for people with disabilities and coordinates these services with others offered. The expert knowledge resulting from this work can be called upon and used by eligibility committees and carriers.

In terms of individual support, the Office or its representatives in the regions can, at the request of a person with a disability, help him in his dealings with an eligibility committee and make representations to the ministère des Transports on anything to do with eligibility.

If necessary, it can name the representative(s) of people with disabilities who will sit on the eligibility committee of a paratransit service.

The Office also names the person who will represent it on the review board, and two deputies.

4.8 **Ministère de l'Éducation du Québec**

The ministère de l'Éducation plays a role in training adolescents with disabilities (particularly those with an intellectual impairment), mainly by giving them the basic knowledge required to get around safely on foot and in the public transit system. The integration of such a program into the school fosters the autonomy of these young people by enabling them to use public transit with less difficulty.

4.9 **Organizations offering public transit services**

Organizations offering public transit services are called upon to adopt certain measures to increase the accessibility of their vehicles and make it easier to learn how to use their services. It may be a question of adapting their vehicles, granting free passes for accompanying persons whose role it is to help a disabled person learn to use the transit service, improving signs and customer communications, or making their staff more aware of the problems people with disabilities encounter when travelling. As a result of such measures, more and more people with disabilities will be able to travel autonomously by public transit for some if not all of their trips, and thus become better integrated into society.

Forwarding and Processing Applications

5

Any person with a disability residing in a territory with a paratransit service, who wants to take advantage of that service *must* submit an application to the service's eligibility committee.

If an applicant lives in a territory that does not have a paratransit service, he must submit his application to the eligibility committee designated for that purpose by the ministère des Transports du Québec in each region. When a designated eligibility committee receives such an application, it must process it in keeping with the eligibility criteria in this policy. Through this measure, a person with a disability residing in a territory where there is no paratransit service may, if he satisfies the eligibility criteria, use any paratransit service in Québec, as a visitor.

5.1 Forwarding applications

People wishing to apply for eligibility must contact the officer responsible for eligibility to obtain an application form. This form is prescribed by the ministère des Transports and the content must be taken into consideration by eligibility committees.

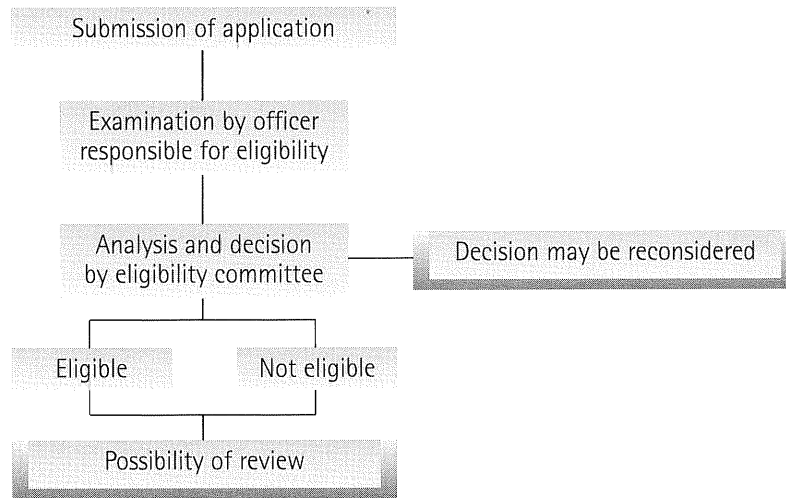
The application form must be filled in and forwarded by the applicant or his sponsor. The eligibility committee requires certain information to decide on the eligibility of an applicant and on the level of eligibility that corresponds to his needs.

To that end, the form requests general information identifying the applicant and pertinent information about his impairment(s) and the disabilities affecting his mobility. Various supporting documents, evaluations or attestations must be appended to the application form, as requested.

5.2 Processing applications (Figure 6)

The officer responsible for eligibility receives the applications and sees that they are legible and have been properly filled out. **If necessary, he lets the applicant know that certain information or attestations required by the committee are missing.** The officer must forward every application he receives to the eligibility committee as soon as the file is complete.

FIGURE 6
COURSE OF AN APPLICATION FOR ELIGIBILITY



In certain special cases, identified beforehand by the designated organization, the officer responsible for eligibility may, when a file is complete (form duly filled out), give the applicant pre-eligibility status and register the application for examination by the committee. Pre-eligibility gives the applicant access to only the paratransit services available in his area. It ends the day the eligibility committee renders its decision on the applicant's eligibility.

All applications for eligibility for paratransit must be processed within a reasonable period of time. The committee cannot take longer than 45 days, following receipt of the duly completed application, to forward its decision, in writing, to the applicant.

The eligibility committee bases its decision on the eligibility criteria and terms and conditions identified in this policy. The various attestations required (attestation of disability, transportation programs) are indispensable documents on which the committee bases its decision. If certain information is unsatisfactory, the committee must:

- contact the person or his legal representative for additional information or to have a new document filled in;
- or
- contact the attending professional or any other resource person for further information;
- or
- request a second opinion by a specialist of its choice, in which case the cost incurred must be defrayed by the eligibility committee.

The committee's 45-day time limit may be extended in the following cases only:

- The information available to the committee does not permit it to decide on the eligibility of the applicant; additional information is required;
- The committee doubts the validity or accuracy of certain information; additional attestations or a second opinion are required.

In these two cases, the committee must contact the applicant in writing within 45 days of receiving the eligibility application to inform him of the situation and ask him to furnish the additional information, if applicable. The committee must render a decision as soon as possible following receipt of this information. Any new information must be entered in the file.

5.2.1 *THE DECISION*

The committee's decisions must be unanimous and must be made in the presence of the representatives of the three parties. All decisions must be rendered on the basis of the criteria established by the policy. The committee must inform the applicant in writing of its decision and the grounds upon which it was reached, and indicate that the applicant may request that the decision be reviewed under the terms and conditions outlined in section 5.2.2.

The committee must decide whether or not an applicant is eligible for paratransit services.

When the committee rules that a person is eligible, it must also decide on the level of eligibility and the need for an accompanying person. The applicant must be informed, when declared eligible, that the decision can be changed and that he must report to the officer responsible for eligibility any change in the information submitted with his original application.

The committee may also be called upon to decide on the revocation of a prior declaration of eligibility, or on a change to the level of eligibility or need for an accompanying person, following a reconsideration of the file due to the introduction of new facts or following a review. The eligibility committee may, at any time, at the request of the user¹⁹ or on its own initiative, reconsider a decision made by it or by the review board, if there are new circumstances that may affect the level of eligibility, the need for an accompanying person, or even the eligibility of a person for paratransit services.

When a user of a paratransit service moves to an area served by another paratransit service, the eligibility committee of the latter must review the new user's file taking into account his ability to learn to use regular public transit services in the area.

Revocation of eligibility or a change in the level of eligibility that limits the right to use paratransit services will take effect 75 days after the decision is rendered.

The carrier must be informed of any decision made by the eligibility committee. In addition to the name and address of the user, and the main disabilities that affect his mobility, the eligibility committee must give the carrier its recommendations on the type of vehicle and assistance best suited to the new user.

5.2.2 *REVIEW*

Review is an exceptional measure that must only be used once all the provisions of the policy have been explored at the local level by the person or the eligibility committee.

¹⁹ When a user applies to the eligibility committee for the reconsideration of a decision, on the basis of new facts, the application must be processed within the same time period as that allowed for the processing of a new application for eligibility.

Anyone who believes he has been wronged by a decision rendered by the eligibility committee affecting his eligibility, level of eligibility or type of assistance may, within 40 days following receipt of the decision, send an application for review to the review board. This time limit may be extended for exceptional reasons by the review board.

The application for review must concern a decision regarding ineligibility, level of eligibility or type of assistance in order to be receivable. In addition, four conditions must be met for the review board to accept an application for review:

1. the application must be made by the person himself or his legal representative;
2. the decision contested must have been based on an analysis of the complete file, and be duly signed by the representatives of the eligibility committee;
3. the decision contested must have been justified in a sufficiently precise way by the eligibility committee, and that justification must have been brought to the attention of the person concerned;
4. the additional formalities that must be observed when the eligibility committee renders a decision must have been complied with.

The review board must render its decision within 30 days following receipt of the application for review. This decision is final and without appeal. It may uphold, quash or change the decision of the eligibility committee. The board's decision must be justified and applicant must be informed of it in writing.

Any decision of the review board involving the revocation of eligibility or a change in the level of eligibility that limits the right to use paratransit services takes effect

- 15 days after the decision is rendered
 - or
 - 75 days after the decision rendered by the eligibility committee,
- whichever is longer.

The review board must forward its decision to the eligibility committee concerned and justify it in writing. The committee, in turn, must inform the carrier of the decision rendered and the date it becomes effective.

5.3 File management

5.3.1 CONFIDENTIALITY

Management of both active and non-active files is the responsibility of the officer responsible for eligibility, who must see that no one but the committee members, the members of the review board and the ministère des Transports has access to the files. The officer responsible for eligibility, the other committee members and the review board must comply with the *Act respecting access to public documents and the protection of personal information* as regards the release of the information contained in the files.

5.3.2 *RECORDING DECISIONS*

The eligibility committee and the review board must record all their decisions as well as the supporting information and documents.

The decisions of the eligibility committee and the review board as well as information on the persons declared eligible must be recorded according to departmental requirements.

5.3.3 *REVIEW OF FILES*

When analysing a file, the committee decides whether it should come up for review given a possible improvement in the person's condition. If so, it is up to the committee to decide on the interval after which it will reexamine the file. The user may then be called upon to provide additional attestations or evaluation reports.

This measure is retroactive for any file on which a decision was made prior to the coming into effect of this policy.

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Web site at the following address :
www.mtq.gouv.qc.ca