

ONTARIO REGULATION

made under the

Services and Supports to promote the Social Inclusion of persons with Developmental Disabilities Act, 2008

GENERAL

Definitions

1. In this Regulation,

“psychologist or psychological associate” means a psychologist or a psychological associate within the meaning of the Psychology Act, 1991; (“psychologue ou associé en psychologie”)

“standardized test” means a test that is recognized as a standardized test because of its standardization, norms, reliability and validity. (“test standardisé”)

Significant limitations in cognitive functioning

2. (1) For the purposes of subsection 3 (1) of the Act, a person has significant limitations in cognitive functioning if the person meets one of the following criteria:

The person has an overall score of two standard deviations below the mean, plus or minus standard error measurement, on a standardized intelligence test.

The person has a score of two standard deviations below the mean in two or more subscales on a standardized intelligence test and the person has a history of habilitative support needs.

On the basis of a clinical determination made by a psychologist or a psychological associate, the person demonstrates significant limitations in cognitive functioning and the person has a history of habilitative support needs.

(2) In this section,

“habilitative support” means support where the objective of the support is to enable the person to acquire, retain and improve skills and functioning related to activities of daily living in the areas of self-care, communication and socialization; (“soutiens liés à l’adaptation”)

“habilitative support needs” means, in respect of a person, needs that are life-long and that are due to functional impairment caused by congenital injury or disease or injury or disease acquired early in life. (“besoins en matière de soutiens liés à l’adaptation”)

Significant limitations in adaptive functioning

3. For the purposes of subsection 3 (1) of the Act, a person has significant limitations in adaptive functioning if the person has a score of at least two standard deviations below the mean, plus or minus standard error measurement, in at least one of the areas of conceptual skills, social skills or practical skills, as measured on a standardized test of adaptive behaviour.

Intensive support

4. For the purposes of the definition of “intensive support residence” in

subsection 4 (2) of the Act, intensive support means, at a minimum, support that includes at least one staff person who is available and on the premises to provide immediate services and supports to the residents at all times when residents are present in the intensive support residence.

Prescribed class of services and supports

5. The following are the prescribed classes of services and supports for the purposes of clause 11 (1) (b) of the Act:

Caregiver respite services and supports.

Community participation services and supports.

Activities of daily living services and supports.

Person-directed planning services and supports.

Assessments, qualified persons

6. A psychologist or a psychological associate or a person registered as a psychologist or psychological associate in another province or territory of Canada has the prescribed qualifications to conduct an assessment under subsection 14 (3) of the Act.

Entry

7. Subject to section 8, an inspector shall comply with the following requirements in respect of inspections of premises that are owned or operated by a service agency, an application entity or a funding entity:

The inspector must provide at least two weeks' written notice to the service agency, application entity or funding entity before the day of entry. The notice must include the purpose for the inspection.

Inspections must only be undertaken from Mondays to Fridays between the hours of 8 a.m. and 8 p.m.

The inspector must carry appropriate identification and make it available to the person in charge of the premises for inspection at the time of entry.

The inspector must explain the purpose of the inspection to the person in charge of the premises upon request.

After carrying out the inspection, the inspector must provide the results of the inspection to the agency or entity, where it is practicable to do so.

Entry, exigent circumstances

8. (1) Section 7 does not apply in respect of inspections of premises that are owned or operated by a service agency, an application entity or a funding entity if there are reasonable grounds to believe,

that the application entity, funding entity or service agency,

has misappropriated funds provided by the Ministry under the Act, or has financially mismanaged those funds; or

that there is an immediate threat to the health, safety or well being of a person receiving services and supports from a service agency.

(2) In respect of an inspection to which subsection (1) applies, an inspector shall comply with the following requirements:

The inspector must have the prior approval of a Director to carry out the inspection.

The inspector must carry appropriate identification and make it available to the person in charge of the premises for inspection at the time of entry.

Upon arrival, the inspector must explain the purpose of the inspection to the person in charge of the premises. If no person in charge of the premise is present when the inspector arrives, the inspector must leave a written notice at the premises indicating that an inspection has taken place and the purpose for the inspection.

After carrying out the inspection, the inspector must provide the results of the inspection to the agency or entity, where it is practicable to do so.

Request to review order appointing manager

9. A service agency, an application entity or a funding entity that receives notice of the appointment of a manager under section 31 of the Act shall comply with the following procedures in requesting a review of the order: The agency or entity must ensure that the request for the review is received by the Minister within 15 business days after the Minister provides the notice of the appointment under subsection 31 (1) of the Act.

The request for the review must be made in writing and must be delivered to the Minister by mail, courier, fax or e-mail.

The request for the review must be made or confirmed by the board of directors of the agency or entity or by its executive committee.

The agency or entity must ensure that the Minister receives their written submissions setting out the grounds or reasons for the review within 25 business days after the Minister provides notice of the appointment under subsection 31 (1) of the Act.

Conducting the review

10. If a request for a review of an order is made under section 31 of the Act, the review shall be conducted in accordance with the following procedures:

The Minister must appoint a person, to be known as the reviewer, to conduct the review.

The reviewer must review the submissions of the agency or entity, but may also consider any other relevant documentation and conduct interviews, including interviews with agency or entity staff, Ministry staff and persons receiving services and supports under the Act.

The reviewer must provide to the agency or entity a summary of the findings that will inform their recommendations to the Minister.

The agency or entity must be given an opportunity to respond to the findings provided under paragraph 3. If the agency or entity does respond, the reviewer must receive the further written submissions within 15 business days after the reviewer has provided the summary of their findings to the agency or entity.

After the reviewer has taken into consideration any further submissions by the agency or entity, the reviewer must make a report to the Minister setting out their findings and recommendations.

After considering the reviewer's report, the Minister must make a decision as to whether to revoke, amend or confirm the appointment of a manager under section 31 of the Act.

The Minister must provide to the agency or entity his or her decision, with reasons, in writing.