



Ministry of Community and Social Services

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June 30, 2010

Dear Provincial Organization or Family Network:

I am pleased to inform you of the proclamation of various sections of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*.

This is a historic occasion – one that we have been working toward since the government first announced the transformation of developmental services in 2004. The new Act will replace the 36-year old *Developmental Services Act*, legislation that reflected a different era when services for people with a developmental disability were just beginning to move from a model of institutional care to one based on community living. The new Act is the cornerstone that gives the Ministry authority to implement transformation so that the developmental services system is accessible, fairer and more sustainable for the future.

Information about the proclamation timeline is posted on the government's e-laws website at www.e-laws.gov.on.ca. More details will be available in an upcoming issue of *Spotlight on Transformation* which will be posted on the Ministry's website in the coming weeks.

The Ministry has taken a phased approach to proclamation, with certain sections of the Act coming into effect on July 1, 2010; January 1, 2011; and July 1, 2011. This first phase of activity will begin to lay the foundation for a fully transformed developmental services system. The second phase will involve proclaiming the remaining sections of the Act related to direct funding agreements and funding entities, timing of which will be announced in the future.

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Agencies' current service contracts made under the *Developmental Services Act* will continue to be in effect until January 1, 2011 at which time all contracts will be made under the authority of the new Act.

Although sections of the legislation start to come into force July 1, 2010, agencies, families and individuals receiving developmental services and supports will not be affected right away. The changes coming into force on July 1 outline general definitions in the legislation and establish powers and authorities. Essentially, these sections lay the foundation for changes to the system coming in 2011.

The following outlines the two phases of proclamation:

PHASE 1:

July 1, 2010: Despite the following provisions coming into force, the Ministry will not begin to operationalize these aspects of the legislation until January 1, 2011. Sections of the Act coming into force July 1, 2010 allow the Ministry to:

- fund service agencies and fund services and supports;
- enforce rules governing service agencies and the provision of services and supports including quality assurance;
- issue policy directives on performance standards and performance measures for service agencies;
- inspect agencies and issue compliance orders;
- appoint a manager to oversee the operation of an agency/entity; and
- propose or make regulations.

January 1, 2011: Sections of the Act come into force that:

- give the Minister authority to designate application entities and allow the Ministry to issue policy directives for application entities;
- enact consequential amendments to other ministries' legislation (e.g., reporting requirements in the *Coroner's Act*); and
- allow the Ministry to grandparent those people currently receiving or waitlisted for services and supports.

July 1, 2011:

- Minister designates nine application entities;
- New eligibility criteria come into effect; and
- The *Developmental Services Act* is repealed.

PHASE 2:

The sections of the Act to be proclaimed in this phase will allow the Ministry to:

- designate funding entity(ies) and issue their policy directives; and
- implement direct funding as defined in the Act.

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The **General Regulation** comes into effect as follows and mirrors the phased approach of the legislation.

PHASE 1:

January 1, 2011:

- **Section 4** – expanded definitions of Activities of Daily Living, Intensive Support Residence and Professional and Specialized Services
- **Section 7 and 8** – Requirements of entry for purposes of inspection (routine and emergency)
- **Sections 9 and 10** – Request to review the Minister's appointment of a manager and rules about how that review will be conducted

July 1, 2011:

- **Sections 1, 2, 3 and 6** – Definitions of psychologist and psychological associates; standardized test; significant limitations in cognitive functioning; significant limitations in adaptive functioning; who is qualified to conduct an assessment for eligibility.

PHASE 2:

- **Section 5** – The prescribed class of services and supports that will be available under a direct funding agreement.

In addition, the Ministry plans to finalize a Minister's Regulation on Quality Assurance Measures for Service Agencies and Application Entities shortly. We anticipate that agencies will have time to familiarize themselves with the requirements prior to implementation. I will provide you with further information when that regulation is approved.

The Ministry appreciates your support for transformation and your commitment to making communities across Ontario more inclusive for people who have a developmental disability.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Original signed by

Carol Latimer
Director