

Background: New IQ 70 limit to eligibility for Provincial community living supports

The crux of this issue: is about how or where it's reasonable to set boundaries re who needs/is entitled to provincially-funded community living supports for people with developmental disabilities.

About community living

- In BC, community living services are funded through & managed by Community Living BC – crown agency formed in 2005 under MCFD and transferred in June to Coleman's new Ministry of Housing & Income Assistance. Most services are delivered by contracted local non-profit/for-profit providers.
- Community living services cover 2 basic categories: 1) Residential (group homes, adult/child foster care, assisted living); and 2) Supports that help an individual live independently or with family (day programs [adult daycare], family respite, therapy for children with special needs, crisis services).
- "Community living" emerged decades ago to supplant institutionalization. It's based on the fundamental right of inclusion – acknowledgement that people with developmental disability may differ in some ways but they're above all just people who should be accommodated, like everyone else, in our communities, not locked up out of our way. Exposure of institutional abuse hastened this shift. Implicit in both institutionalization and community living was acceptance that society should help families support adults who are not independent (vs. parents bearing a lifetime burden alone).

About developmental disability

- Not the same as mental illness (e.g. schizophrenia) that may come and go (though they can overlap).
- By definition, you're born with it (or acquire it early in life), it's lifelong and involves severe enough impairment to intellectual and/or adaptive capacity that you require extra support to live your life
- Down Syndrome, Autism, Cerebral Palsy, Fetal Alcohol Syndrome are examples. Impairments to intellectual capacity can occur with these diagnoses or alone, in varying degrees.
- IQ is a (crude) measure of intellectual capacity. IQ 70 has been commonly used as a convenient cut-off point in talking about or defining intellectual disability.

Problems with using IQ 70 to determine need/eligibility for support

- IQ is a continuum: you don't suddenly need full 24/7 support at IQ 70 and nothing at IQ 71
- As our appreciation of the complexity of intelligence has grown, gross IQ score has come to be seen as an increasingly blunt tool of questionable usefulness.
- The rising incidence of disorders such as Autism and Fetal Alcohol Syndrome has highlighted the uselessness of relying on IQ alone to determine overall functional capacity and need for support.

Background: Determining eligibility in BC

- In BC, IQ 70 has been used as a guideline for determining adult eligibility for many years. But it was a policy guideline, not legislation, and allowed flexibility to serve compelling needs.
- When CLBC was created in 2005, it started applying the IQ 70 policy strictly as a budget control measure. Due to budget cuts, it already had thousands of people with IQ < 70 on waitlists.
- This led to extraordinary crises, such as the Fahlman case, forcing families to turn to the courts.
- Courts agreed that CLBC had no legal basis for denying service based on IQ alone. Government must either set out the IQ 70 definition in law or endeavour to serve anyone with a developmental disability, which existing legislation defined in terms of significant deficits in intellectual and/or adaptive functioning.
- The new Representative for Children and Youth, Mary Ellen Turpel Lafond, highlighted the dire plight of many BC youths turning 19 and being denied any supports by CLBC based on their IQ level

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alone. She stressed the need for a better approach to determining need and for more supports for these young adults, especially for those leaving foster care who had no families to support them.

- As new court challenges mounted, government had to act. Options included: 1) A legislative amendment to introduce a new IQ requirement in law (with inevitable harsh political fallout); 2) A Cabinet order to effect the legislative change without public debate; or 3) Drop the IQ 70 policy and develop a better mechanism to assess need, as everyone had urged for years. Minister Christensen agreed a Cabinet order was the wrong thing to do and set up a committee to develop a new mechanism.
- July 2008: Cabinet secretly approved an Order in Council (OIC) that amended existing community living laws. It deleted reference to adaptive capacity in the definition of developmental disability and introduced a new required eligibility criterion of IQ of 70 or less. There was no warning, consultation or public announcement. The move bypassed Christensen's committee and stunned the community.
- Turpel Lafond denounced the OIC and failure to consult, stressing the urgency of unmet needs.
- Campbell & Coleman defended the decision, stating: 1) It's just a temporary measure to address court challenges while they develop a new approach; 2) It will only affect adults, not children; and 3) IQ level is only one of the criteria used to assess need; and 4) Nothing has actually been changed.

Community advocacy response:

- Community advocates launch campaign urging the Premier to rescind the OIC. Key messages:
 - Having other criteria is irrelevant because the IQ 70 limit is mandatory—even if someone meets all other criteria and demonstrates compelling need, they must still be rejected.
 - The OIC has no expiry date: It's not temporary until an end date is set or the order rescinded.
 - Some current CLBC clients have IQs over 70; the OIC jeopardizes future access to services.
 - No age limit, so OIC jeopardizes most children & youth who have historically been eligible.
 - The appropriate way to address court challenges was to restore flexibility for compelling cases where IQ is over 70, until a better approach to defining need/eligibility was finalized.
 - The new law simply aggravates crises and shifts the burden of care to emergency services and far more costly crisis intervention models.
 - This was an astonishingly ill-conceived response, developed by the Premier without warning or consultation with the affected community, which aggravates problems and solves nothing.
- Families write hundreds of letters to Premier, Minister Coleman and MLAs
- Provincial groups (e.g. BC Association for Community Living, BC Coalition of People with Disabilities, BC FamilyNet) strongly condemn the move in letters and statements
- First Call's Andrina Perry set up online petition (4,400 signed so far):
<http://www.petitiononline.com/iqcutoff/petition.html>
- Jane Bouey creates Facebook group: Denying Support to Those With IQ's Over 70 is Reprehensible
- Concerns highlighted in briefs to provincial pre-budget consultations and meetings with both Liberal and NDP MLAs (MLAs on both sides have indicated their concerns)
- Vancouver trustee Eleanor Gregory proposes, and Vancouver School Board unanimously agrees, to outline concerns in a letter to the Premier, particularly regarding potential impacts on youth and children under age 19. North Van and Maple Ridge/Pitt Meadows school boards have now followed suit and the BC Association of School Trustees will consider a similar motion at its AGM.
- NDP leader Carole James joins families in urging Premier Campbell to immediately rescind the OIC.