

## TO BE RESCINDED

5160-44-13

**Nursing facility-based level of care home and community-based services programs: home modification services.**

- (A) "Home modifications" are environmental adaptations to the private residence(s) of the individual required by the individual's person-centered services plan, that are necessary to ensure the health, welfare and safety of the individual or that enable the individual to function with greater independence in the home. Such adaptations include, but are not limited to, the installation of ramps and grab-bars, widening of doorways, modification of bathroom or kitchen facilities, or the installation of specialized electric and plumbing systems that are necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the individual. Home modifications also include replacement of previous home modifications when it is determined the modification cannot be repaired through another resource. Home modifications shall not exceed a total of ten thousand dollars in a calendar year per individual. The Ohio department of medicaid (ODM), Ohio department of aging (ODA) or their designee shall approve the lowest cost alternative that meets the individual's assessed needs.
- (B) Home modifications do not include:
- (1) Adaptations or improvements to the home that are of general utility, and are not of direct medical or remedial benefit to the individual including, but not limited to, carpeting, roof repair and central air conditioning.
  - (2) Adaptations that add to the total square footage of the home, except when necessary to complete an adaptation (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair).
  - (3) New, replacement home modifications or repair of previously approved home modifications that have been damaged as a result of apparent misuse, abuse or negligence.
- (C) Home modifications may be authorized up to one hundred and eighty consecutive days prior to an individual's transition from an institutional setting into the community. The modification is not considered complete until, and the date of services for purposes of reimbursement shall be, the date on which the individual leaves the institutional setting. If an individual fails to transition into the community, the modification is still reimbursable.
- (D) Authorization process.

- (1) ODM, ODA or their designee may require the completion of an in-home evaluation by an occupational therapist (OT) or physical therapist (PT) licensed pursuant to Chapter 4755. of the Revised Code. The evaluation shall determine the individual's capacity to utilize the requested home modification.
- (2) ODM, ODA or their designee may require the completion of an in-home evaluation by an appropriately qualified professional to determine the suitability of the immediate environment where the modification will be installed and the viability of the completion of the modification to improve independence.
- (3) In consultation with the individual and/or caregiver(s), ODM, ODA or their designee and if required, the OT or PT and/or qualified professional, shall develop a home modification referral that addresses the individual's environmental accessibility needs.
- (4) Home modification providers shall submit a fixed cost proposal for the services submitted under the home modification referral which shall be good for the term of the work agreement.
  - (a) At a minimum, the proposal shall include all of the following:
    - (i) A drawing or diagram of the home modification, as appropriate;
    - (ii) A breakdown of all of the needed materials;
    - (iii) A breakdown of the costs of the needed materials;
    - (iv) A breakdown of the labor costs;
    - (v) A list of all building permits that must be obtained;
    - (vi) An estimate of the time needed to complete the home modification;
    - (vii) A written statement of all warranties provided, including a warranty lasting at least one year from the date of final acceptance of work against defective workmanship; and
    - (viii) A written guarantee that all materials, products, and installed or furnished appliances perform their advertised function.
  - (b) A fixed cost proposal may be adjusted for good cause only if the job specifications are modified in writing, and the adjustment is approved by ODM, ODA or their designee.

- (5) ODM, ODA or their designee shall review all submitted proposals with the individual and shall award the home modification service to the provider that proposes the lowest cost alternative that meets the individual's assessed need.
- (E) Before beginning a home modification, the provider shall obtain all permits and pre-job inspections required by law, home owners' association, or both.
- (F) After completing a home modification, but before submitting a claim, the provider shall obtain post-job inspections and post-job inspection reports required by law, by a home owners' association, or both to verify the modification meets federal, state and local laws or home owners' association requirements.

(G) Limitations.

- (1) ODM, ODA or their designee shall ensure safeguards are in place to minimize any potential conflicts of interest between the person(s) conducting any evaluations required pursuant to paragraphs (D)(3) and (D)(4) of this rule and the home modification provider.
- (2) The provider shall be reimbursed for the actual cost of material and/or labor for the home modification as identified in the home modification proposal. Reimbursement may only be adjusted if the job specifications are modified pursuant to the requirements set forth in paragraph (D)(4)(b) of this rule.
- (3) Home modifications do not include removing modifications and returning the property to its prior condition when an individual vacates the premises. The property shall be left in the modified state.
- (4) The provider shall not be the owner of the individual's residence.

(H) Provider requirements.

- (1) The provider shall:
- (a) Know and understand the individual's person-centered services plan related to the modification and personal preferences about the home modification services to be furnished.
- (b) Provide documentation that the home modification was completed in accordance with the agreed upon specifications using all materials and equipment cited in the proposal.
- (c) Provide documentation that the home modification was tested, is in proper working order and is usable by the individual.

- (d) Provide documentation that the home modification meets all applicable federal, state and local building codes and accessibility codes.
  - (e) Maintain and furnish proof of appropriate qualifications to perform jobs requiring specialized skills such as electrical work, heating/ventilation and plumbing to ODM, ODA or their designee upon request.
  - (f) Maintain and furnish proof of licensure, insurance and bonding for general contracting services of applicable jurisdictions to ODM, ODA or their designee upon request.
  - (g) Obtain final written approval from the individual and ODM, ODA or their designee after completion of the home modification service.
- (2) The provider shall obtain and maintain evidence of compliance with:
- (a) The written consent of the property owner to modify the property, including acknowledgment that the owner understands that the waiver is not responsible for returning the property to its prior condition.
  - (b) All permits required by law, including building permits, prior to commencing work on each job order.
  - (c) Any necessary inspections and inspection reports required by federal, state and local laws upon completion of each job to verify that the repair, modification or installation was completed. The provider must obtain these inspections, inspection reports, and permits prior to billing for the completed job.
- (I) ODM and ODA are authorized to deem any provider approved by ODM or certified by ODA or the Ohio department of developmental disabilities (DODD) to provide waiver services as having satisfied the requirements for approval by ODM or certification by ODA for the same or similar services.

Effective: 1/1/2024

Five Year Review (FYR) Dates: 9/22/2023

CERTIFIED ELECTRONICALLY

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Certification

11/29/2023

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Date

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