

## **Environmental Modification Services Conditions of Participation**

*Environmental modification services may be provided to enable the recipient to function with greater independence in the home, or when physical adaptations to a residence are necessary to meet the recipient's accessibility needs. These services may be provided by a construction contractor that is certified by SDS as an environmental services provider or by a home and community-based waiver services provider that oversees an environmental modification project performed by a contractor licensed under AS 08.18.*

*Adaptations may be made to a residence that the recipient owns; to rental property where the recipient resides, if the property owner consents; or to the residence of each parent or guardian that has joint custody, if the recipient lives in the residence at least part time. Approval for such adaptations is based on the recipient's current assessment regarding long-term, chronic conditions, that restrict mobility rather than on short-term needs or on possible levels of disability or physical decline that might occur in the future. Additionally, because adaptations must be for the direct benefit of a recipient, any adaptations or improvements to a residence that are of general utility, as defined in 7AAC130.300 (j)(3), are not covered as environmental modification services unless an exception under 7 AAC 130.300(j)(3) is met.*

*The provider who chooses to offer environmental modification services must be certified as a provider of environmental modification services under 7 AAC 130.220(a)(1)(K); meet the requirements of 7 AAC 130.300; and operate in compliance with the following standards. In addition, agency-based providers must operate in compliance with the Provider Conditions of Participation.*

### **I. Program administration**

#### **A. Compliance with applicable codes.**

1. The provider must comply with federal, state, and local building codes and standards applicable to the types of physical adaptations required for the environmental modification project.
  - a. For civil rights and accessibility compliance requirements, the provider may refer to the *Americans with Disabilities Act*, the *Fair Housing Act*, and state and local requirements regarding civil rights and accessibility.
  - b. The provider must use the design specifications of the *2010 ADA Standards for Accessible Design* in planning for the physical adaptations to the residence where other codes or standards are not applicable.
2. The provider must obtain any permits required for the environmental modification project.

#### **B. Performance requirements.**

1. Collaboration with interested parties.
  - a. The provider must cooperate with the recipient and the care coordinator to ensure that the physical adaptations required for the environmental modification project are feasible, and meet the needs of the recipient.
  - b. The provider must ensure that the health, safety, and welfare of the recipient are protected during the project.
  - c. The provider, in planning for work, must take into consideration to the greatest extent possible the recipient's daily routine and any special requirements regarding the use of hazardous materials in the home.
  - d. The provider must keep the recipient informed regarding work schedules, and notify the recipient regarding any delays.

- e. The provider must work with the recipient and the care coordinator to resolve any disagreements regarding dissatisfaction with the project or employee performance; the provider may contact SDS if unable to resolve any issues that remain after discussion with the recipient and the care coordinator.
2. Provider responsibilities.
    - a. The provider must verify that the owner of the residence understands the full scope of work that will be done, and has given permission for physical adaptations included in the environmental modification project.
    - b. The provider must determine whether the residence is suitable for the planned physical adaptations.
      - i. If the provider discovers a structural, plumbing, or electrical defect that will require work outside the scope of the approved project, the provider must stop work, and consult with Senior and Disabilities Services.
      - ii. Knowingly proceeding with work in a residence not suitable for the planned physical adaptations may constitute grounds for sanctioning the provider under 7 AAC 105.400.
    - c. The provider must supervise the environmental project from the planning stage to completion; the provider
      - i. must coordinate work among subcontractors, and review subcontractor plans to ensure compliance with state and local building codes and standards;
      - ii. must be available for consultation during the project;
      - iii. is responsible for completion of the project within the established timeframe; and
      - iv. is responsible for final inspection to ensure the finished physical adaptations meet the specifications of the approved environmental modification project plan.
    - d. Upon completion of the project, the provider must
      - i. orient the recipient to the physical adaptations;
      - ii. walk through all physical adaptations with the recipient to ensure the project meets the needs of the recipient; and
      - iii. train the recipient regarding the use of equipment installed as part of the project.
    - e. The provider may not carry out a Medicaid-funded environmental modification project in conjunction with any other construction or modification project in the recipient's residence, or under the terms of another agreement regarding the recipient's residence.

## **II. Project standards**

### **A. Accessibility.**

1. To the maximum extent feasible, the provider must use the technical provisions regarding, for example, dimensions, materials, and slope, that are generally accepted as necessary to make a space or structure accessible.
2. The provider may propose equivalent facilitation when the existing structure of the residence, or the topography of the lot on which the residence is situated, make those specifications technically unfeasible.
3. The provider may seek technical assistance from the State ADA Coordinator at [www.alaska.gov/ada/](http://www.alaska.gov/ada/) or the Northwest ADA Center at [www.dbtacnorthwest.org](http://www.dbtacnorthwest.org); however, approval by an entity providing technical assistance does not constitute approval by Senior and Disabilities Services.

### **B. Materials.**

1. The provider must purchase and install all materials, supplies, and equipment required for the environmental modification project.
2. The provider must use standard contractor-grade construction materials, supplies, and equipment for the project, unless upgraded, custom construction materials would be needed to match existing materials that were affected by the project.
3. The provider may not install materials, supplies, and equipment purchased by the recipient or any other individual, unless otherwise approved by Senior and Disabilities Services.

**C. Labor.**

1. The provider may bill only for usual and customary costs of labor.
2. The provider must maintain records to support billing for labor, including date, name, time worked, and type of work performed for each person who worked on the project.

**D. Notice of completion of project.**

1. The provider must notify Senior and Disabilities Services when the environmental modification project is completed.
2. The provider must submit to Senior and Disabilities Services
  - a. photographs that demonstrate completion of the environmental modification project;
  - b. a copy of the written, final inspection report stating the project is complete and meets applicable codes, if such report is required for physical adaptations to a residence in that location; and
  - c. written verification from the recipient or the recipient's representative that the project has been completed satisfactorily.
3. Senior and Disabilities Services retains the right to final review and approval for payment based on
  - a. satisfactory performance by the provider;
  - b. appropriateness of materials, supplies, and equipment used for the project; and
  - c. whether the completed project meets the accessibility needs of the recipient or enables the recipient to function with greater independence in the home.

**III. Settlement plan for projects in-progress at the time of recipient relocation or death****A. Suspension of work.**

1. The provider, upon learning that the recipient has moved from the premises where an environmental modifications project has been approved or that the recipient died, must stop all work in progress, and contact Senior and Disabilities Services for project settlement instructions.
2. If the recipient has moved or died, a provider that has not started an approved project at the residence of the recipient may not start work on-site under any circumstances.

**B. Meeting with project participants.**

1. The provider must meet, by teleconference or in-person, with Senior and Disabilities Services and the property owner to discuss
  - a. the current stage of the project, expenditures, materials, and supplies at hand;
  - b. the property owner's viewpoint regarding project completion; and
  - c. adjustments to the scope of work and costs.
2. The provider may continue with the project only when the adjusted scope of work and costs, and an adjusted time frame for completion, have been approved in writing by Senior and Disabilities Services.

**C. Reimbursement limitations.**

1. Materials and fees.
  - a. The provider may bill only for those materials and fees that
    - i. were included in the approved scope of work;
    - ii. were purchased after project approval;
    - iii. were utilized for the adjusted project; and
    - iv. cannot be refunded to the provider by the retail source.
  - b. The provider may request reimbursement for nonrefundable materials and fees by submitting to Senior and Disabilities Services
    - i. copies of receipts for materials and fees; and
    - ii. a written explanation of the reason materials and fees could not be returned for a refund from the retail source.
2. Labor costs.

The provider may bill only for actual labor costs and labor required to complete the adjusted scope of work.

3. Project completion.

- a. The provider must accept an adjusted financial settlement for materials, fees, and labor that is off-set by the project start-up prior authorization even if not already billed.
- b. The provider must repay any advance and forfeit the remainder due if the provider fails to complete the adjusted project within the adjusted timeframe unless Senior and Disabilities Services approves a later completion date for cause.
- c. Depending upon the terms of the settlement plan agreed to by the project participants, the provider may be required to submit to Senior and Disabilities Services
  - i. photographs that demonstrate completion of the adjusted scope of work;
  - ii a copy of the written, final inspection report stating the project is complete and meets applicable codes, if such report is required for physical adaptations to a residence in that location; and
  - iii. written verification from the property owner that the project has been completed satisfactorily.
- d. The provider must request the balance due from the Medicaid fiscal agent within 30 days of completion of the adjusted project.