
POLICY TRANSMITTAL NO. 09-35	DATE: JUNE 29, 2009
OKLAHOMA HEALTH CARE AUTHORITY/DEVELOPMENTAL DISABILITIES SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 317:40-5-101.

EXPLANATION: **Policy revisions were approved by the Board and the Governor as required by the Administrative Procedures Act.**

Rules for the Developmental Disabilities Services Division (DDSD) Home and Community-Based Services (HCBS) Waivers are revised to specify the criteria for performance of architectural modifications. The Oklahoma Health Care Authority administers Home and Community-Based Services Waivers for persons with mental retardation and certain persons with related conditions that are operated by the Oklahoma Department of Human Services DDSD. Recently, the Centers for Medicare and Medicaid has approved changes to these waivers which require revisions to agency rules. Further rule revisions mandate compliance with the Central Purchasing Act and allow for an Oklahoma Department of Human Services Developmental Disabilities Services Division staff with architectural modification experience to make architectural modification recommendations. Revisions are needed to agree with the waiver provisions as well as provide clarification to individuals served through these waivers, placement providers, community contractors, and OKDHS and OHCA staff.

Original signed on 6-29-09

James M. Nicholson, Director
Developmental Disabilities Services Division

Sandra Harrison, Coordinator
Office of Legislative Relations and Policy

WF # 09-P (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

317:40-5-101

INSERT

317:40-5-101, pages 1-6, revised 7-1-09

317:40-5-101. Architectural modifications

(a) **Applicability.** The rules in this Section apply to architectural modification (AM) services authorized by the Oklahoma Department of Human Services (OKDHS) Developmental Disabilities Services Division (DDSD) through Home and Community Based Services (HCBS) Waivers.

(b) **General information.** Architectural Modification services:

(1) are provided by building contractors who have contractual agreements with the Oklahoma Health Care Authority to provide Home and community Based Services;

(2) are performed on homes of eligible members who have disabilities that limit accessibility;

(3) are provided based on the:

(A) assessment and Personal Support Team (Team) consideration of the member's unique needs per OAC 317:40-5-101(b);

(B) scope of architectural modifications per OAC 317:40-5-101;

(C) most appropriate and cost effective bid, if applicable, ensuring the quality of materials and workmanship;

(D) lack of a less expensive equivalent, such as assistive technology, that meets the member's needs; and

(E) safety and suitability of the home.

(4) are limited to modifications of two different residences within any seven year period beginning with the member's first request for an approved architectural modification service;

(5) are provided with assurance of plans for the member to remain in the residence for at least five years;

(6) may be denied when DDSD determines the home is unsafe or otherwise unsuitable for architectural modifications.

(A) DDSD area office resource development staff with architectural modification experience screens a home for safety and suitability for architectural modifications prior to home acquisition. ■ 1

(B) Members needing home modification services and provider agencies assisting members to locate rental property identify several homes, when possible, for screening in order to select a home with the fewest or most cost effective modifications;

(7) Architectural modifications are provided to eligible members with the homeowner's signed permission;

(8) are specific to the member's unique needs;

(9) are not authorized to modify homes solely for family or staff convenience or for cosmetic preference;

(10) are provided on finished rooms complete with wiring and plumbing;

(11) architectural modifications services that do not meet the requirements of OAC 317:40-5-101 may be approved by the DDS division administrator or designee in exceptional circumstances; and

(12) are authorized in accordance with requirements of The Oklahoma Central Purchasing Act 74 O.S., '85.1 et. Seq., Chapter 15 of Title 580 of the Department of Central Services, and other applicable statutory provisions.

(c) Assessment and Team process.

(1) Architectural modification assessments are performed by:

(A) DDS area office resource development staff with architectural modification experience, when the requested architectural modification complies with minimum applicable national standards for persons with physical disabilities as applicable to private homes; or

(B) a licensed occupational therapist or physical therapist, at the request of designated DDS area office resource development staff or area program supervisory staff, when the requested architectural modification exceeds or requires a variance to applicable national standards for persons with physical disabilities, or when such expertise is deemed necessary by DDS area office resource development staff or area program supervisory staff

(2) The Team considers the most appropriate architectural modifications based on the:

(A) member's needs;

(B) member's ability to access his or her environment; and

(C) possible use of assistive technology instead of architectural modification.

(3) The Team considers architectural modifications that:

(A) are necessary to ensure the health, welfare, and safety of the member; and

(B) provide the member increased access to the home to reduce dependence on others for assistance in daily living activities.

(d) Requirements and standards for architectural modification contractors and construction. All contractors must meet applicable state and local requirements.

(1) Contractors are responsible for:

(A) obtaining all permits required by the municipality where construction is performed;

(B) following all applicable building codes; and

(C) taking and providing pictures to area office resource development staff of each completed architectural modification project within five working days of project

completion and prior to payment of the architectural modification claim. Area office resource development staff may take pictures of the completed architectural modification projects when requested by the contractor.

(2) Any penalties assessed for failure to comply with requirements of the municipality are the sole responsibility of the contractor.

(3) New contractors must provide three references of previous work completed.

(4) Contractors must provide evidence of:

(A) liability insurance;

(B) vehicle insurance; and

(C) worker's compensation insurance.

(5) All modifications meet national standards for persons with physical disabilities as applicable to private homes unless a variance is required by the assessment.

(6) Contractors complete construction in compliance with written assessment recommendations from the:

(A) DDSD area office resource development staff with architectural modification experience; or

(B) a licensed professional.

(7) All architectural modifications must be completed by using high standard materials and workmanship, in accordance with industry standard.

(8) Ramps are constructed using the standards in (A) through (G) of this paragraph.

(A) All exterior wooden ramps are constructed of number two pressure treated wood.

(B) Surface of the ramp has a rough, non-skid texture.

(C) Ramps are assembled by the use of deck screws.

(D) Hand rails on ramps, if required, are sanded and smooth.

(E) Ramps can be constructed of stamped steel.

(F) Support legs on ramps are no more than six feet apart.

(G) Posts on ramps must be set or anchored in concrete.

(9) Roll-in showers are constructed to meet standards in (A) through (E) of this paragraph.

(A) The roll-in shower includes a new floor that slopes uniformly to the drain at not less than one-fourth nor more than one-half inch per foot.

(B) The material around the drain is flush, without an edge on which water can catch before going into the drain.

(C) Duro-rock, rather than sheet rock, is installed around the shower area, at least 24 inches up from the floor, with green board above the duro-rock.

(D) Tile, shower insert, or other appropriate water resistant material is installed to cover the duro-rock and green board.

(E) The roll-in shower includes a shower pan, or liner if applicable.

(10) DDSD area office resource development staff inspect any or all architectural modification work, prior to payment of an architectural modifications claim, to ensure:

(A) architectural modifications are completed in accordance with assessments; and

(B) quality of workmanship and materials used comply with requirements of OAC 317:40-5-101.

(e) **Architectural modifications when members change residences.**

(1) When two or more members share a home that has been modified and the member will no longer be sharing the home, the member whose Plan of Care authorized the modifications is given the first option of remaining in the residence.

(2) Restoration of architectural modifications is performed only for members of the Homeward Bound class when a written agreement between the homeowner and DDSD director, negotiated before any architectural modifications begin, describes in full the extent of the restoration. If no written agreement exists between the DDSD director and homeowner, OKDHS is not responsible to provide, pay for, or authorize any restorative services.

(f) **Services not covered under architectural modifications.**

Architectural modifications do not include construction, reconstruction, or remodeling of any existing construction in the home, such as floors, sub-floors, foundation work, roof, or major plumbing.

(1) Square footage is not added to the home as part of an architectural modification.

(2) Architectural modifications are not performed during construction or remodeling of a home.

(3) Modifications not authorized by the OKDHS include, but are not limited to:

(A) roofs;

(B) installation of heating or air conditioning units;

(C) humidifiers;

(D) water softener units;

(E) fences;

(F) sun rooms;

(G) porches;

(H) decks;

(I) canopies;

(J) covered walkways;

(K) driveways;

(L) sewer lateral lines or septic tanks;

(M) foundation work;

(N) room additions;

(O) carports;

(P) concrete for any type of ramp, deck, or surface other than a five by five landing pad at the end of a ramp, as described in applicable national standards for persons with physical disabilities as applicable to private homes;

(Q) non-adapted home appliances;

(R) carpet or floor covering that is not part of an approved architectural modification that requires and includes a portion of the floor to be re-covered such as a roll in shower, a door widening; or

(S) a second ramp or roll in shower in a home.

(4) A sidewalk is not authorized unless needed by the member to move between the house and vehicle.

(g) **Approval or denial of architectural modification services.**

DDSD approval or denial of an architectural modification service is determined in accordance with (1) through (3) of this subsection.

(1) The architectural modification request provided by the DDSD case manager to DDSD area office resource development staff includes:

(A) documentation from the member's Team confirming the need and basis for architectural modification, including the architectural modification assessment;

(B) documentation of current Team consensus, including consideration of issues per OAC 317:40-5-101;

(C) lease, proof of home ownership, or other evidence that the member is able to live in the modified residence for at least 12 months; and

(D) an assurance by the member or legal guardian, if applicable, that the member plans to reside in the residence for five years.

(2) The DDSD area office:

(A) authorizes architectural modification services less than \$2500; and

(B) provides all required information to the DDSD State Office architectural modification programs manager for authorization of services costing \$2500 or more.

(3) Architectural modifications may be denied when the requirements of OAC 317:40-5-101 are not met.

(h) **Appeals.** The denial of acquisition of an architectural modification request may be appealed per OAC 340:2-5.

(i) **Resolving problems with services.** If the member, family member, or legal guardian, or Team is dissatisfied with the architectural modification, the problem resolution process per OAC 340:100-3-27 is initiated.

INSTRUCTIONS TO STAFF

1. When the member uses a wheelchair as his or her primary means of mobility, the Developmental Disabilities Services Division area office resource development staff considers information described in (1) through (12).
 - (1) A level driveway is needed for a van lift to deploy safely.
 - (2) A level yard without excessive terracing provides recreation opportunities for the member.
 - (3) A home with minimal steps and railings is more wheelchair accessible.
 - (4) For every one inch of rise at a door, a ramp 12 inches long must be constructed. For example, if the front porch is 25 inches from the ground, a 25-foot ramp is needed.
 - (5) A multi-level home or a home with a sunken area must be avoided, since building indoor ramps requires a great deal of room space.
 - (6) A home with an open floor plan is easier to negotiate than a home with a long narrow hallway and bedroom doors that require a 90-degree turn from the hall.
 - (7) A hallway must be 36 inches wide, if possible.
 - (8) A bathroom must be large with a doorway that can be widened and a sink that can be made accessible. If an adjoining closet exists, the closet may be utilized to make the bathroom more accessible with the addition of a roll-in shower.
 - (9) A small bedroom presents obstacles when storage of large equipment is required.
 - (10) A bedroom with a closet that can be made accessible will allow the member more independence.
 - (11) Thick carpets with extra padding must be avoided, especially for a member who propels his or her wheelchair.
Hardwood floors and tile are:
 - (A) more durable;
 - (B) easier to clean; and
 - (C) easier to propel a wheelchair across.
 - (12) Avoid a home with floor furnaces or gas heaters.