

FUNDING OF HOME MODIFICATIONS FOR INDIVIDUALS WITH DISABILITIES

An Emphasis on Funding Home Modifications to Support Employment Goals

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I. Introduction

A. Purpose of this Handout

1. Home modifications can provide a child or adult with a disability the means to overcome or limit the effects of a disability. The result is that the individual can achieve greater independence in the home and, potentially, participate more fully in activities outside the home.
2. Home modifications can also be very expensive. For this reason it can be a challenge to obtain funding for home modifications.
3. This handout will focus on home modifications that can directly or indirectly support an individual's work goals in one or more of the following ways:
 - a. By preparing an individual to get ready for work and ready to leave the home for work. Widened doorways and modifications to a bathroom could be included here.
 - b. By allowing the individual to come and go from the home. An access ramp, stair lift, or stairway elevator could be included here.
 - c. By allowing the individual to work from the home, either as a self-employed person or as an employee who works from the home.
4. Clearly, many of the items discussed in the sections below will also be available to meet a variety of needs not related to work.
 - a. For example, an access ramp would allow a wheelchair user to leave the home to travel to work, but would also allow the individual to leave the home to attend necessary medical appointments or do any number of other things outside the home.
 - b. Depending on the funding source, the best strategy may be to use the non-work benefit as the justification for funding depending on what funding source is being considered and the criteria they will follow.

B. The Focus of this Handout is Adults

1. Since we are looking at home modifications that will support a work effort, our focus will be on adults with disabilities, defined broadly as any individual age 18 or older.
2. Where appropriate, the handout will identify whether the funding source or funding strategy would be available to support the needs of a child as well.

C. Funding Sources and Funding Strategies Discussed in this Handout

1. A number of funding sources or funding strategies are potentially available to fund home modifications. In many cases, the funding source may be available to pay for the entire cost of the modification. In other cases, the funding source may be available to pay for some percentage of the cost. In still other cases, the funding source or funding strategy may pay for some percentage of the modification.
2. The following are funding sources or funding strategies that will be discussed below in this handout:
 - a. State vocational rehabilitation agencies
 - b. The SSI program's work incentives, including the Plan for Achieving Self Support (PASS), impairment related work expenses, and blind work expenses
 - c. AT Alternative Financing Programs
 - d. Access to Telework Loan Programs
 - e. Medicaid

This list is by no means exhaustive, but provides a survey of funding sources/strategies that should be available throughout the country. Some additional potential funding sources not included in this handout include: Medicaid waivers; Medicare (fairly limited); the Department of Veterans Affairs¹; federal tax provisions

¹For more information on using the Department of Veterans Affairs as a funding source of AT, see the Spring 2007 issue of our *AT Advocate* newsletter, available at: www.nls.org/av/atspr07.htm.

(including the Flexible Spending Account, the Health Savings Account and Health Reimbursement Account), creative divorce settlements²; Crime Victims programs³; and charities.

Readers should also look into any of the new programs that are being rolled out, in response to the country's financial crisis, to stimulate home ownership or home retention. One or more of these programs might be available to support the funding of accessibility-related home renovations. For example, a tax credit of up to \$8,000 is now available for qualified first-time home buyers purchasing a principal residence on or after January 1, 2009 and before December 1, 2009. Unlike the tax credit enacted in 2008, the new credit does not have to be repaid. See www.federalhousingtaxcredit.com. This \$8,000 "refundable credit," may provide funding to support a home modification after a home is purchased.

II. Vocational Rehabilitation (VR)

- A. Each state will have a state vocational rehabilitation (VR) agency. About 30 states also have a separate agency which serves only individuals who are legally blind.
 - 1. Congress, pursuant to Title I of the Rehabilitation Act, gives money to states to provide VR services to persons with disabilities. 29 U.S.C. §§ 701 *et seq.*; 34 C.F.R. Part 361.
 - 2. VR agencies can fund a wide range of goods and services, including "rehabilitation technology" (i.e., AT), that are connected to a person's vocational goal.
 - 3. Congress has stated that VR services are to empower individuals

²For a thorough discussion of this topic, see our AT funding manual *Disability, Divorce, SSI, and Medicaid: Using Creative Alimony, Child Support and Property Settlements to Maximize SSI, Ensure Medicaid Eligibility, and Create Funding for Assistive Technology*, available at: www.nls.org/av/DisabilityandDivorce.pdf.

³For updated information on this program, see the website of the federal Office for Victims of Crime (OVC), www.ojp.usdoj.gov/ovc, and the website of the National Association of Crime Victims Compensation Boards (NACVCB): www.nacvcb.org. For links to the websites of state Crime Victims Boards, see the national map on the OVC website or use the links on the NACVCB website, www.nacvcb.org/statelinks.html.

to maximize employability, economic self-sufficiency, independence and integration into the work place and the community through “comprehensive and coordinated state-of-the-art programs.” 29 U.S.C. § 701(b)(1)(emphasis added).

- B. The services available through each state’s VR system can play a critical role in assisting people with disabilities, including “transition-aged” special education students, to enter the work force.

Transition planning for youth with disabilities.

1. We typically think of VR agency services as available only to adults, which is generally true. However, the planning for a young person’s work goals should begin while still in the public school.
2. Special education students and their families should be made aware of the VR agency and the services it provides as early as age 14 (i.e., whenever the transition planning process begins within the special education system).
3. Although most state VR agencies will not begin funding and delivering services until the child or young adult has completed the public school program, the involvement of the VR agency in planning should begin much earlier. *If a young person will need home modifications to support a long-term work goal and the VR agency is viewed as a funding source, the planning for this should begin while the child is still in the public school.*

Collaboration tip: Proactive planning can ensure that youth with disabilities obtain AT, including needed home modifications, at the earliest possible time. When the need for home modifications is identified for a transition-aged youth, AT Act partners who are involved with the individual/family should be in contact with the special education program staff (i.e., the transition coordinator, if one exists) and VR agency staff while the child is still in high school to begin planning for the eventual funding of the home modifications.

- C. Who is eligible for VR agency services?

1. To receive services, an individual must be disabled and require VR services “to prepare for, secure, retain or regain employment.” 29 U.S.C. § 722(a)(1).
2. Therefore, any service an individual is to receive from the VR system must be connected to an ultimate employment goal.

3. The 1998 amendments to the Rehabilitation Act added self-employment, telecommuting and business ownership as successful employment outcomes. 29 U.S.C § 705(11)(C). In many cases, home modifications will be needed to support one of these employment goals.

D. What services are available to an eligible person?

1. VR services are defined to include “any goods or services to render an individual with a disability employable.”
2. The following is an abbreviated list of services states must provide, including a number of services that might involve home modifications or allow an individual to benefit from a home modification [29 USC 723(a); 34 CFR 361.48(a)]:
 - a. The assessment to determine eligibility and needs, including, if appropriate, by someone skilled in rehabilitation technology. *This could help identify the type of home modification that will support an individual’s employment goal.*
 - b. Counseling, guidance and job placement services and, if appropriate, referrals to the services.

In many cases, the VR agency or its contractor will be in a position to counsel the individual on the type of home modifications that will be needed to support a particular employment goal given the specific disability of the individual.

- c. Vocational and other training, including higher education and the purchase of tools, materials and books.
- d. Personal assistance services while receiving VR services.
 - (1) *In some cases, personal assistance services could be needed to support an individual’s use of a home modification, such as the use of a ceiling track lift to support hygienic needs, or the use of a stair lift or stairway elevator to allow the individual to leave the home for education, training, or work.*

- e. Technical assistance for those who are pursuing telecommuting, self-employment or small business operation.
- f. Rehabilitation technology (i.e., assistive technology), including vehicular modification, telecommunications, sensory, and other technological aids and devices.
- g. Transition services for students with disabilities to facilitate the achievement of the employment outcome identified in the Individualized Plan for Employment.
 - (1) *This could be critical for the transition-aged student, for example, who will need a ramp at the home to allow him or her to leave the home, after graduation from high school, to attend training or college, or travel to work.*
 - (2) *The VR agency, by getting involved early in the transition process can ensure that the pieces are in place early to ensure that the young person can leave the home to pursue the next step toward their work goal.*
- h. Post-employment services necessary to assist an individual to retain, regain or advance in employment.
 - (1) *This could be particularly important for an individual with a progressive disability, who is involved in home-based employment.*
 - (2) *For example, an individual with multiple sclerosis, who is working at home, may have been able to get up and down stairs during the early stages of their disability to work out of a second floor home office. However, as the disability progresses and he or she starts to use a wheelchair, their ability to get to the second floor to continue home-based employment is compromised.*

VR agency funding for a stair lift to the second floor will allow the individual to retain or, in some cases, regain their home-based employment status.

- E. Comparable Services Requirement [29 USC 721(a)(8)]
1. Generally, services are not available through a state VR agency until a determination has been made that comparable services and benefits are not available under any other program.
 - a. For example, if personal assistance services are available through Medicaid, similar services will not be approved through the state VR agency.
 2. A state VR agency cannot require a prior determination regarding the availability of similar benefits and services if consideration of the similar benefit would interrupt or delay [29 U.S.C. 721(a)(8)(A)(i)]:
 - a. The progress of an individual toward achieving the employment outcome;
 - b. An immediate job placement; or
 - c. Services to an individual at extreme medical risk.
 3. The following services are not subject to the comparable benefits requirement [29 USC 721(a)(8)(A)(i)]:
 - a. Assessment to determine eligibility and needs;
 - b. Counseling, guidance, referral and work-related placement, job retention and follow-along services;
 - c. *Rehabilitation technology services, including assistive technology devices and services.*
- F. Must an individual meet financial need criteria?
1. For basic eligibility the answer is no. However, a state is permitted to establish a financial needs test for the majority of services it provides.
 2. There is no requirement that a state consider financial need when providing VR services [34 C.F.R. § 361.54(a)], but all state VR agencies can be expected to have a financial needs test.
 - a. If a state VR agency chooses to establish a financial needs test, it must establish written policies which govern the

determination of financial need and which identify the specific VR services that will be subject to the financial needs test. 34 C.F.R. § 361.54(b)(2).

- b. Any financial needs test must take into account the individual's disability-related expenses. 34 C.F.R. § 361.54(b)(2)(v)(B).
 - c. The level of the individual's participation must not be so high as to "effectively deny the individual a necessary service." 34 C.F.R. § 362.54(b)(2)(v)(C).
3. The following services must be provided without regard to financial need: (1) diagnostic services; (2) counseling, guidance and referral services; and (3) job placement. 34 C.F.R. § 361.54(b)(3).

III. The Supplemental Security Income (SSI) Program's Plan for Achieving Self Support⁴

The federal SSI and Social Security Disability Insurance (SSDI) programs, which exist in all states and are operated through the Social Security Administration (SSA), have numerous work incentives in place to encourage beneficiaries to move toward employment goals and financial independence. This part of the handout discusses an SSI work incentive that can be used to fund home modifications that will support a work goal: the Plan for Achieving Self Support (PASS).⁵

⁴The Plan for Achieving Self-Support (PASS) is discussed in greater detail in other publications. See, e.g., the Summer 2006 issue of the *AT Advocate* newsletter, available at: www.nls.org/av/summer06.htm; Sheldon, J. & Lopez-Soto, E., PASS: SSI's Plan for Achieving Self Support, Cornell University (2003), available at: www.ilr.cornell.edu/ped/dep/PP_12.pdf; BENEFITS MANAGEMENT FOR WORKING PEOPLE WITH DISABILITIES: AN ADVOCATE'S MANUAL, ch. 4 (Empire Justice Center, 2009)(containing up-to-date citations and forms), available for purchase at: www.nls.org/benefits_management_manual.htm.

⁵For a more detailed discussion of how other SSI work incentives, such as impairment related work expenses or blind work expense, can be used to fund AT, see our AT Funding manual, *Work Incentives for Persons with Disabilities Under the Social Security and SSI Programs*, available at: www.nls.org/wkboklet.htm.

A. Eligibility for a PASS

1. SSI is a needs-based program. An SSI recipient must have limited income and limited resources. See 20 C.F.R. §§ 416.1100 *et seq.* (income) and 416.1201 *et seq.* (resources).
2. The PASS allows a person with a disability to exclude income and/or resources, which would otherwise be countable under SSI, when the excluded money is to be used for some occupational objective. 42 U.S.C. §§ 1382a(b)(4)(A)(iii) and (B)(iv), 1382b(a)(4); 20 C.F.R. §§ 416.1180 *et seq.*; SSA's Program Operations Manual Systems (POMS) SI 00870.001 *et seq.* By doing so, the person retains SSI, becomes eligible for more SSI, or becomes eligible for SSI as a new applicant.
3. The PASS enables an individual to achieve an occupational objective, i.e., self-support, through use of this excluded income and resources. For example, the PASS may enable a person to secure education or training needed to become self-supporting, to make the transition into employment, or to set up a business. The PASS could also be used to fund the cost of home modifications if those modifications will help pave the way to the individual's vocational goals.

B. Using a PASS to Fund AT, Including Home Modifications

1. The money set aside under a PASS can be used for anything that can be specifically tied to achieving an occupational objective. Just as there are limitless ways that people make money, there is no real limit on the types of proposals that can be approved.
2. The following is a representative list of home modifications and related expenses that can be funded with the income or resources set aside under the PASS. Any of these items can be funded if reasonable and necessary to achieve the individual's vocational goal:
 - a. Equipment, supplies, operating capital and inventory required to establish and carry on a trade or business;
 - b. Equipment/tools either specific to the individual's condition or designed for general use;
 - c. Operational or access modifications to buildings, vehicles,

etc., to accommodate disabilities;

- d. Maintenance costs for any of the above items;
- e. Taxes and government-imposed user fees (e.g., permits, licenses) connected with obtaining any of the above (*e.g., a municipality may impose a permit fee for any significant home modification*)
- f. Finance and service charges connected with obtaining any of the above (*e.g., if an individual plans to obtain a loan to finance a home through an Alternative Financing Program to finance a home modification (see part IV, below), the interest payments can be covered through a PASS*)

C. Example: Using the PASS to Fund Home Modifications

1. Steve is 42 years old and is spinal cord injured as a result of a motor vehicle accident two years ago. He uses a power wheelchair for all mobility. Steve receives \$720 in SSDI benefits in a state that pays the federal SSI benefit rate of \$674 in 2009, with no optional state supplement.
2. Steve worked for 15 years for an insurance company, selling a variety of insurance, including auto, homeowner's, and life insurance. Because of his disability, Steve will no longer be able to meet the demands of his previous work, but his company is willing to train him to work as a home-based insurance adjuster (settling claims under vehicle and homeowner policies with or without collaboration from a field adjuster).
3. In order to support this home-based work goal, Steve will need to accomplish the following:
 - a. Build a home addition, using an existing small, first-floor bedroom to create a home office with an accessible entrance to the outside and widened doorways. Total cost = \$24,000. (State VR agency will cover \$10,000 of this cost, leaving Steve to come up with the additional \$14,000)
 - b. Purchase of office equipment, including an adapted desk and chairs for occasional meetings with company personnel. Total cost = \$1,800. (employer will cover this cost)

- c. Purchase of computer equipment and software, including an adapted keyboard, adapted mouse, and voice dictation software to limit his need to type. Total cost = \$1,450 (employer will cover this cost)
- d. In this case, Steve will propose a PASS to save \$700 of his SSDI check for 20 months to support his \$14,000 share of the home addition cost not picked up by the VR agency. If the SSI program approves the PASS (it should under these facts), the \$700 will not be counted as income by SSI and he will become eligible for a \$674 SSI check and automatic Medicaid in his state.⁶

Here is Steve's SSI budget after his PASS is approved:⁷

<u>Total Income:</u>	<u>Total Expenses for PASS:</u>
\$ 720 unearned	\$700 per month
\$ 0 earned	

<u>SSI Calculation:</u>	
\$ 720	Unearned income
- 700	PASS expense
20	
- 20	Unearned income exclusion
\$ 0	Total countable income
\$ 674	SSI federal benefit rate
- 0	Countable income
\$ 674	Total SSI check

- 4. In the above example, the PASS will enable Steve to achieve a number of things:
 - a. accumulation of \$14,000 toward the cost of the home addition to support his home-based work goal;

⁶Please note that we are assuming that Steve is either single or married, with a spouse either not working or earning an amount that is low enough to not have any affect on his SSI eligibility. To discuss how the PASS may or may not work out if Steve has a working spouse, you may contact the author (see contract information on title page).

⁷Since Steve is not already on SSI, his PASS proposal must be accompanied by an SSI application.

- b. the leveraging of \$10,000 or more from her state VR agency to pay toward the home addition;
 - c. the maintenance of monthly income, for living expenses, at nearly the same level (\$720 available before the PASS, \$694 available after the PASS is approved);
 - d. retaining automatic eligibility for Medicaid in most states (ensuring a continued funding source for AT and many other items); and
 - e. under various public and subsidized housing programs and the food stamp program, ability to disregard income set aside under a PASS.
5. The reader should note that all of the other expenses, listed for Steve in this case scenario, could be funded through a PASS if reasonable and necessary to support Steve's work goal.

IV. State AT and Telework Financial Loan Programs

Within the network of AT-related programs, these two financial loan programs offer significant funding options for home modifications, to support work activity, when no other funding is available. Because these programs generally offer loans, which must be repaid, they should be viewed as funding sources of last resort (i.e., always look first to a direct payment option, such as a VR agency, the PASS, or Medicaid and only look to a loan program if a direct payment option is not available).

A. AT Alternative Financing Loan Programs

1. Many states operate some kind of AT or equipment loan program, offering low-cost loans to persons with disabilities who meet the criteria of the program.
2. These programs have typically originated in one of two ways:
 - a. Many of the newest programs have been funded as "alternative financing" programs under Title III of the AT Act. Currently, about 30 states receive funding in this manner. See RESNA website at:
www.resnaprojects.org/AFTAP/state/RESNA.html.

- b. Many of the oldest programs were established with funds other than Title III funds. Currently, 11 states have programs established without Title III funding. See RESNA website at:
www.resnaprojects.org/AFTAP/state/otherloans.html.
3. Typical way these programs operate:
- a. The loan program will offer one of three methods to deliver low-interest financing for AT: a revolving loan, a loan guarantee, or an interest buy down. Some programs will offer two of these methods, some all three.
 - b. Dollar limits for loans. These will vary, typically between \$10,000 and \$30,000, with some programs having no set dollar limit.
 - c. Interest rates will vary from a 0 percent rate to an 8 percent rate. Some offer interest rates below the federal prime lending rate.
 - d. The term for repayment is typically in a range of 5 to 7 years, but some programs offer a longer repayment period for home equity loans.
4. The most common items purchased with loan funds:
- a. Transportation-related, including vehicle modifications
 - b. Computers and costs associated with computer access
 - c. Mobility equipment, including wheelchairs and scooters
 - d. Equipment for daily living, such as environmental control units
 - e. Hearing aids, vision aids
5. Loan funds can be used to support the cost of home modifications.
6. Advocacy tips
- a. Equipment loan funds should generally only be considered after an individual has exhausted other sources of no-cost or limited cost funding for AT devices.

- b. An equipment loan fund can be an excellent way to pay for a variety of out-of-pocket costs related to purchase of AT, including:
 - (1) Amounts that exceed the payment limitations of a private insurance plan;
 - (2) The 20 percent co-payment required under the Medicare Part B program;
 - (3) Any share of cost requirement charged by a state vocational rehabilitation program;
 - (4) Any AT-related costs that exceed the amount available for purchases under an SSI Plan for Achieving Self Support (PASS); and
 - (5) The amounts not otherwise covered by charity payments toward an AT device.

- 7. Back to the case of Steve and his need to fund the home modifications to support home-based work (see p. 10, above):
 - a. As stated above, the \$24,000 cost associated with a home edition, to establish an office, will be funded through a combination of VR agency (\$10,000) and PASS (\$14,000) funding.
 - b. Since Steve can only save \$700 per month through the PASS, it will take 20 months to save enough to pay for the home edition. Realistically, after a 10 week course to begin a month from now, the insurance company wants Steve to be ready to begin working from home.
 - c. **Collaboration tip:** Steve and his advocate, who is helping him to develop a PASS (the advocate could be from a Protection and Advocacy program or a Social Security funding WIPA project⁸), meet with representatives from the

⁸Work Incentives Planning and Assistance (WIPA) projects exist in every state to assist Social Security and SSI beneficiaries with benefits planning issues, including the preparation of PASS plans. For information on the WIPA project or projects in your state, see <https://secure.ssa.gov/apps10/oesp/providers.nsf/bystate>. Several of the

state VR agency, the Alternative Financing Project (AFP), and the insurance agency that will employ Steve. Following the meeting it is decided:

- (1) The VR agency will pay \$10,000 toward the home modification. The VR agency also agrees that it will pay the estimated \$1,450 cost of computer equipment and software.
- (2) The AFP will loan Steve \$14,000 on a 24-month term.
- (3) Steve will use the PASS to pay the monthly loan payments, including applicable interest and loan servicing fees.
- (4) The insurance agency agrees to hold the position open for Steve until the addition to the home is completed. The employer also confirms that they will pay the estimated \$1,800 cost of office furniture.
- (5) By working together, the parties are able to do for Steve together what could not be easily accomplished by any one of them working alone.

B. Access to Telework Loan Programs

1. What is the telework program?
 - a. This is a federal-state endeavor to increase employment opportunities for individuals with disabilities and was started as a component of President Bush's New Freedom Initiative for People with Disabilities.
 - b. This program, administered by the Rehabilitation Services Administration (RSA), has provided federal grants to 20 states to establish Telework financial loan programs. The federal Telework grants have created state-based loan programs that aid individuals with disabilities in purchasing equipment that facilitates (1) home-based self-employment and (2) teleworking from home for an employer.
 - c. By offering greater flexibility than traditional work settings,

WIPA projects are housed within Protection and Advocacy agencies.

teleworking can enable a person with disabilities to more easily participate in the work force. For example, teleworking may help people with disabilities overcome barriers to employment including transportation problems, physical fatigue, and provision of personal assistance services.⁹

2. The telework loan programs ensure the availability of loan money through several different approaches: direct loans (revolving loans), loan guarantees, interest rate and principal buy-down loans, and non-guaranteed low-interest loans.
3. Based on the 2004-2005 report (see footnote 9, above), the maximum loans available are typically in the \$20,000 to \$50,000 range depending on the state.

4. Examples of home modifications available through telework loans:

The author of this handout is not aware of specific home modifications that have been funded through telework loans. However, a number of potential modifications come to mind.

- a. Modifications to a kitchen to support a home-based catering business for a person in a wheelchair. E.g., this could involve adapting/lowering cupboards, the sink, and any other work surfaces.
 - b. Establishing voice-activated door openers.
 - c. Funding the accessible home addition, as mentioned in the Steve case scenario on page 10, above.
 - d. Building an accessible bathroom on the ground floor of a home-based work area.
5. **Collaboration tip:** Depending on the state, there may or may not be an AFP in addition to the telework program. In addressing a scenario like the case of Steve, above, the decision on whether to go to the AFP or telework program may be very fact dependent.

⁹For more detail on this program, see *Increasing Employment Opportunities For People with Disabilities: A Report on the First Two Years of Program Operations of the Telework Program FY 2004 and FY 2005*, available at: www.resnaprojects.org/AFTAP/telework/report1006.rtf.

Here again, since this will involve a loan which must be repaid, it will make sense to consider both the VR agency and the PASS if the individual with a disability is a good candidate for a PASS. The PASS can then be set up to repay the loan.

V. Medicaid

A. For persons with disabilities, there are several paths to potential eligibility¹⁰:

1. Through receipt of SSI in 39 states, the District of Columbia, and the Northern Mariana Islands.¹¹
2. Through the optional “medically needy” category, which allows an individual to spend down to the state’s monthly income eligibility threshold if countable income is above that threshold.
3. Through an optional home and community-based services (HCBS) waiver.
4. As a child adopted pursuant to the federal Adoption Assistance Program.
5. Through a state’s optional Medicaid Buy-In program for individuals who are working.

B. Medicaid typically pays for specialized equipment (what the reader may think of as AT) through the durable medical equipment (DME) coverage category.

Although the Medicaid program has no federal definition of DME, most

¹⁰For a comprehensive discussion of this subject see *Medicaid and Persons with Disabilities: Special Medicaid Eligibility Provisions for Persons with Disabilities*. This training outline was used for an August 2006 webcast and is available through the National AT Advocacy Project. The Kaiser Family Foundation has a great link to the Medicaid websites and other state-specific information for all states. See www.statehealthfacts.org.

¹¹The 11 states, known as section 209(b) states, which use their own eligibility criteria which differs from SSI eligibility criteria include: Connecticut, Hawaii, Illinois, Indiana, Minnesota, Missouri, New Hampshire, North Dakota, Ohio, Oklahoma, and Virginia. See 42 U.S.C. § 1396a(f); Social Security Program Operations Manual System (POMS) SI 0175.020.

Medicaid agencies will follow a four-part definition like the following:

1. can withstand repeated use;
2. is primarily and customarily used for medical purposes;
3. is generally not useful to a person in the absence of illness or injury; and
4. is suitable for use in the home.

C. Many home modifications would seem to be outside a state's DME definition.

Home modifications are always a challenge to fund under the traditional Medicaid program. Arguably, all of the following would fall outside the DME definition referenced above.

1. The accessible home addition - Although necessitated by a disability, a major part of the cost is not strictly necessitated by the disability.
2. Widened doorways - DME seems to contemplate an item of equipment. Contracting work to widen a doorway (or to build a home addition) does not seem to fit.
3. Lowered kitchen sinks, counter tops - Like the widened doorways, these are not items of medical equipment but everyday items found and needed in the home that are being adapted to allow a person to function in the home despite a disability.

NOTE: All three of these items would be potentially available through an optional Home and Community Based Services (HCBS) Medicaid waiver. For example, the "Individual Options Waiver" in Ohio or the "COMMCARE Waiver" in Pennsylvania can pay for one or more of these modifications if the individual meets the criteria for services under the waiver.¹²

¹²For more information on home modifications potentially available under an HCBS waiver, see our Fall 2007 issue of *AT Advocate*, available at <http://www.nls.org/av/fall07.pdf>.

D. Some home modification could be funded under the DME definition above.

Most of what could be described as home modifications have long been a challenge to fund through traditional Medicaid programs. The following are examples of home modifications that the author believes meet the definition of DME, set forth above, and could be funded by Medicaid if both medically necessary and the least costly alternative to meet the individual's needs.

1. Bath equipment that must be attached to a wall, such as grab bars
2. A fixed patient lift system, such as the ceiling track lift.
 - a. Medicaid agencies will probably recognize that patient lifts meet the definition of DME and will fund them when medically necessary.
 - b. The argument usually confronted with the ceiling track lift is that the cheap, hydraulic lift is all that is needed. Often, it is both safer and less costly in the long run (home health aides may not be needed to operate the lift) to provide the ceiling track lift.
3. A ramp or stair lift
 - a. Individuals with disabilities and their advocates have struggled for years to get ramps and lifts funded, with limited success.
 - b. However, a ramp or lift would appear to clearly meet the DME definition.
 - c. The author believes that this is an issue to push with Medicaid agencies.