Topic:	Modifications Implementation Worker Guide	
	Date Issued/Updated:	

Overview

The purpose of this worker guide is to review the process for approving Environmental Modifications under K-Plan and Environmental Safety Modifications under the waiver, herein referred to collectively as modification or modifications.

In addition to this guide, there are two (2) additional Worker Guides designed to accompany this one. One is intended to highlight the policies and eligibility for Environmental Modifications and the other is intended to highlight the policies and eligibility for Environmental Safety Modifications.

Procedure(s) that apply

Except as indicated further in this guide regarding funding exceptions made by ODDS, approvals for modifications are based on an individual's assessed need(s), appropriateness and cost effectiveness. Services Coordinators/Personal Agents (SC/Pas) must document in progress notes and the ISP:

- Discussions around the specific need(s) to be addressed
- Previous or current strategies and alternatives utilized
- Consideration of cost-effective alternatives to address the need(s)
- How the environmental modifications would increase independence, reduce health and safety risk(s) and/or substitute for human assistance.

Additional requirements:

- The dwelling must be in good repair and have the appearance of a sound structure. Examples of concerns include but are not limited to:
  - ✓ Plumbing issues such as dripping faucets, running and/or clogged toilets, mod, mildew, leaking drains or "spongy" flooring.

- ✓ Peeling paint and wallpaper, torn carpeting, water damage to ceilings and floors or damaged flooring.
- ✓ Inadequate ventilation, evidenced by mold, termites or other pests, water damage or "spongy floors".

- Environmental modifications must be made within the interior, existing square footage of the home and cannot increase the square footage of the home. The exception to this requirement are ramps that enable the individual to safety and more independently enter or exit the home.
- Environmental safety modifications are limited to fences and walkways to met an individual's assessed safety or mobility needs at their primary residence.
- For the purposes of assessing environmental modifications funded by K-Plan, garages, out buildings and/or similar structures, whether or not they are attached to the dwelling, are not part of the square footage of the home and cannot be modified.
- The identified home or dwelling cannot be in foreclosure or be a subject of legal proceedings regarding ownership.
- If the individual is renting or leasing a home or apartment, there must be written permission from the landlord approving the modification. Further requirements regarding rental properties are addressed below.

A Supplemental Support Document form must be completed by the SC/PA prior to the development of a scope of work and kept in the individual's file at the SC/PA. Details regarding the actual scope of work are articulated below under Scope of Work.

Scope Writers who complete Scopes of Work and contractors who are chosen to complete environmental modifications cannot have a vested interest in the property that is being modified, as this creates a conflict of interest. A Scope Writer or contractor has a vested interest when the Scope Writer or contractor meets one or more of the following conditions:

1. Related by blood or marriage to the individual, or to any paid caregiver of the individual.
2. Financially responsible for the individual.
3. Empowered to make financial or health-related decisions on behalf of the individual.

4. Would benefit financially from the provision of the environmental modification.

Modifications must be completed by a current Oregon licensed (CCB), bonded and insured contractor as required by OAR 812 or OAR 808. This information can be found at the Oregon Construction Contractors Board (CCB) website.

Contractors assume the responsibility for the final work product, including that of subcontractors they hire to complete any part of the modification. In addition, the contractor assumes the responsibility to ensure that subcontractors are licensed, bonded, insured and otherwise legally able to complete the work of the subcontract, that they obtain permits and complete the project per the approved scope of work.

Scope of Work

All modifications must have a written scope of work. A scope of work is a written document identifying the tasks and requirements necessary to address the specific needs outlined in the Supplemental Environmental Modifications Assessment and as discussed by the individual, family member or designee, SC/PA and the Scope of Work writer. The scope of work articulates the dimensions, measurements, appropriate and cost-effective materials, labor, pertinent building permits and outcomes necessary for a contractor to submit a proposal to complete the proposed modification. Modifications are subject to industry standards for safety, liability, and durability as referenced in building codes, materials and manuals.

The Scope of Work must be reviewed and approved by the individual/family whose property/rental home is to be modified, in conjunction with the individual's SC/PA prior to the contractors being solicited for bids.

In the event that the individual/family disagrees with the Scope of Work, the modification will not proceed unless or until any modification of the Scope of Work is approved by both the individual/family and the SC/PA.

Written Bids

For all modifications, a minimum of three written bids are required. The individual whose property/rental home is being modified, in conjunction with the

individual's SC/PA is responsible to solicit bids from contractors. Any Oregon licensed contractor who does not have a financial interest in the property can be solicited to bid on the environmental modification or environmental safety modification project.

Contractors solicited to complete modifications must be given the same scope of work approved by the SC/PA from which to develop their bid. Bids are limited to the work, costs, labor, approved materials and necessary permits to complete the modification as identified in the scope of work and must include the contractor's CCB (Construction Contractors Board) number.

If a contractor has identified a limitation, error or necessary adjustment to the scope of work, this information should then be discussed with the individual and/or designated representative or advocate and SC/PA to determine if the scope of work needs to be adjusted. If the planned modification needs to be adjusted, the Scope Writer must modify the scope of work as approved by all parties, to include the individual or the individual's designated representative, the SC/PA, the property owner or property owner's designated representative and when appropriate due to an exceptions request, ODDS and send the approved modification to all contractors bidding on the project so that bids can be updated and resubmitted.

The bids must be submitted to and carefully reviewed by the SC/PA to ensure the bids have addressed each of the identified components listed in the scope of work and that the contractor is currently licensed (possesses a current CCB number), bonded and insured. The SC/PA can verify a contractor's Oregon CCB number at the Oregon CCB Contractor License Search web page.

A bid is invalid and cannot be considered if it does not include the contractor's CCB#, does not specifically address the approved Scope of Work, and/or the contractor does not meet the minimum license, bond and/or insurance requirements.

While three bids are required, in some cases where three contractor bids cannot be acquired or the lowest contractor bid is not selected, documentation should be in the individual's file with an explanation. Acceptable examples might be:

- The lowest bidder is not currently licensed, bonded and/or insured so the second bidder was selected;
- The lowest bidder did not accept the job so the second bidder was selected;
- The lowest bid was invalid because it included materials that would not

adequately address the safety component for the modification;

- Five contractors were contacted multiple times but only two were willing to provide written bids;
- Limited contractor availability in the rural/regional area;
- The lowest bid contractor required a down payment of funds to begin the work.

When a bid/contractor has been chosen based on the expectation that the bid is the lowest qualified bid, the written agreement (contract) must, except in the case of modifications for children receiving CIIS services (see directly below), be drawn up by the contractor. The contract is a written agreement between the contractor and homeowner and must include only the elements identified in the scope of work. A copy of the signed contract must be kept in the individual's file.

Contracted modifications for children receiving CIIS services are directly contracted between the State and the chosen contractor. These contracts are administered through ODHS.

ODDS cannot pay deposits, prepayments or partial payments for environmental modifications or environmental safety modifications. Prior to work beginning, it must be made clear to contractor(s), subcontractor(s), homeowners, individuals and families that full payment to the contractor will be made upon receipt of the following:

1. A contract has been fully executed.
2. Satisfactory completion of the approved modification according to the scope of work. Completion is verified through a final inspection / walk-through completed by the SC/PA in the presence of the contractor, individual or designated representative or family member to ensure that all aspects of the modification has resolved the support needs as identified in the scope of work.
3. Receipt of an invoice that includes the contractor's CCB# that reflects the completion of the contract requirements.
4. Copies of building permits with Final Inspection "sign off" from a building code official, as appropriate (Note that permits are required for mechanical, electrical, plumbing and structural modifications such as pass-thru for overhead ceiling lifts, moving walls, etc.).
5. Any other appropriate documentation requested by ODHS.

Rental Property Requirements

Modifications cannot substitute for or duplicate modifications that are the responsibility of a landlord under landlord-tenant laws.

ODDS will not fund materials or work intended to restore the rental unit to its former condition. For any environmental modification or environmental safety modification made to a rented structure, written authorization from the landlord or rental property management company must be obtained prior to the start of work.

For rental properties managed by a professional property management company, written permission for the modification that includes the understanding by the company that ODDS will not pay for the modification to be reversed should the individual/tenant end occupancy must be articulated on the company's official letterhead, including a signature of the company's duly appointed representative. For rental properties managed by a private party/property owner, a letter with the property owner/ landlord's signature will suffice as proof of permission and verification that the landlord/owner understands that ODDS will not pay for the modification to be reversed upon the individual/tenant's vacating of the rental property.

The letter giving permission for the modification of the rental unit as noted above must be kept in the individual's file.

Exclusions/Restrictions

Modifications exclude:

- Adaptations or improvements to the home that are of general utility unless directly related to the assessed health and safety needs of the individual;
- Adaptations that add to the total square footage of the home;
- Adaptations outside of the home, except for ramps that attach to the home for the purpose of entry or exit or fences and walkways identified as environmental safety modifications.
- General report or maintenance and upkeep required for the home.

Examples of **excluded** modifications include but are not limited to:

- Carpeting

- Roof Repair
- Central air conditioning
- Driveways
- Vehicle gates
- Patios (except in cases of access or egress)
- Swimming pools
- Spas or hot tubs
- Sheds
- The main garage door that allows the vehicle to enter/exit the garage
- Provision or replacement of household appliances that are considered customarily the responsibility of any homeowner to include but not limited to:
    - Refrigerators
    - Microwaves
    - Dishwashers
    - Clothes washer and dryer
    - Furnishing for walls, windows and doors to include but not limited to drapes, shades and decorative elements
- Costly upgrades in materials thar are not directly related to the assessed health and safety needs of the individual or child
    - ❖ Environmental modifications example: An individual or family member requests granite or tile in a bathroom modification when a fiberglass surround will address the shower safety needs at a lower cost.
    - ❖ Environmental safety modification example: An individual or family member requests a chain-link fence when a wood fence will address the safety needs at a lower cost.
- Foreseen repairs or updates necessary in order to complete the environmental modification or environmental safety modification.
    - ❖ Examples:
        - ➢ In order to install a ramp, repairs to the porch or deck must be made to support the ramp. The ramp could be approved; the repairs to the existing porch or deck could not be

approved.

- A bathroom needs adaptation to install a new commode for an individual. In order to replace the commode, the flooring must be replaced due to dry rot or decay. The new commode could be approved. The sub-flooring, etc., could not be approved.
- In order to complete a bathroom remodel, pipes in the bathroom need to be replaced. In the course of the repairs the local inspector then determines that all pipes throughout the house must be brought up to code. The cost to bring other parts of the home up to code cannot be paid by ODDS.

Funding Review and Exceptions

All ODDS authorizations *must be completed prior to the SC/PA authorizing the service and prior to the start of work.*

Modifications costing up to $5,000 may be approved by the local SC/PA. For contracting purposes all modifications identified under a single scope of work will be considered a single modification. For instance, a bathroom modification that has a widened doorway, expanded shower with surround, new floor, grab bars and a plumbing permit fee will be considered a single modification because its separate components are intended to meet a single assessed need and the total cost must be considered when determining whether the modification falls within the $5,000 local approval limit.

All requests for approvals of modifications costing more than $5,000 must be presented to ODDS for approval utilizing the Funding Review process as outlined in transmittal APD-AR-14-019. Information should be submitted electronically to odds.fundingreview@odhsoha.oregon.gov. Modification goals written into ISPs must be contingent upon ODDS approval. In addition to the documentation outlined in transmittal APD-AR-14-019, specific documentation related directly to the environmental modification or environmental safety modification must include:

- The Scope of Work
- All bids submitted (a minimum of three bids based on the same Scope of Work should be obtained, or an explanation of why three bids were unobtainable)

- Supplemental Support Document Form
- Documentation (ISP identified goal, letter, email, correspondence, etc.) with any supporting explanation of the need and purpose of the modification and an explanation of any unique circumstances.
- When appropriate, written permission from the landlord as described above.
- Contact information for the SC/PA, individual or family member and contractor if appropriate.

ODDS will review submitted documents to determine how the eligibility criteria, outlined above, are met, the appropriateness of the modification to the individual's disability, the cost effectiveness of the modification and the applicability to Oregon Administrative Rule, Codes of Federal Regulation and pertinent ODDS policy.

If the requested ODDS authorization is denied a Notification of Planned Action must be sent by the program (CDDP/Support Service Brokerage/CIIS) to the individual and or the legal guardian or designated representative if applicable.

eXPRS Plan of Care Codes

POC Name	POC Code
Environmental Modifications (K-Plan)	S5165
Environmental Safety Modifications (Support Service and Comprehensive Wavier Services)	OR561

Form(s) that apply:

Oregon ISP and accompanying forms

Request for Funding Review or Exception (Form 0514DD)

Supplemental Support Documentation

Reference(s):

Applicable Oregon Administrative Rules

- 411-340-0020
- 411-340-0130
- 411-330-0020
- 411-308-0020
- 411-308-0120

Code of Federal Regulations

- 411.520(b)(2)

Other Sources

- Community First Choice K-Plan

Resource(s):

- Expenditure Guidelines
- Environmental Modifications Policy Worker Guide
- Environmental Safety Modifications Policy Worker Guide

Contact(s):

Name: Michael Harmon; **Phone:** 503-947-1105; **Email:** michael.a.harmon@odhs.oregon.gov

Name: Michele Blackwell (CIIS); **Phone:** 503-947-1105; **Email:** michele.l.blackwell@odhs.oregon.gov