

## **\*\*\*Proposed New Rule - February 12, 2025\*\*\***

### **5123-9-44      Home and community-based services waivers - vehicle modifications under the individual options, level one, and self-empowered life funding waivers.**

#### **(A) Purpose**

This rule defines vehicle modifications and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

#### **(B) Definitions**

For the purposes of this rule, the following definitions apply:

- (1) "Adaptive mobility dealer" has the same meaning as in section 4517.01 of the Revised Code.
- (2) "Agency provider" means an entity that directly employs at least one person in addition to a director of operations for the purpose of providing services for which the entity is certified in accordance with rule 5123-2-08 of the Administrative Code.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means the Ohio department of developmental disabilities.
- (5) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, the person's guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.
- (6) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (7) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and extent of services delivered that includes the items delineated in paragraph (E) of this rule to validate payment for medicaid services.
- (8) "Vehicle modifications" means adaptation or alteration of an automobile or van that is an individual's primary means of transportation, necessary to enable the individual to integrate more fully into the community and ensure the individual's health, welfare, and safety.
  - (a) Vehicle modifications includes:
    - (i) Adaptation or alteration to an automobile or van that meets an individual's assessed needs, including but not limited to installation of:
      - (a) External handling devices or carriers;

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- (b) Lifts;
  - (c) Vehicle operating aids, such as assistive equipment and technologies;
  - (d) Raised or lowered floors or roofs;
  - (e) Remote devices;
  - (f) Scooter or wheelchair hoists, hitches, or tie-downs;
  - (g) Transferring seats or equipment; and
  - (h) Factory-installed adaptations or alterations that are documented on a separate, itemized invoice.
- (ii) Maintenance, repair, or replacement of a previously approved vehicle modification funded by the individual's waiver.
- (b) Vehicle modifications does not include:
- (i) Adaptations or alterations costing more than the lowest-cost alternative that meets the individual's assessed needs.
  - (ii) Adaptation or alteration to a vehicle available through another funding source.
  - (iii) Improvements of general utility and not of direct medical or remedial benefit to the individual.
  - (iv) Repair or replacement of a previously approved vehicle modification that was damaged as a result of apparent misuse, abuse, or negligence.
  - (v) Adaptations or alterations to a leased vehicle.
  - (vi) Removal of adaptations or alterations and return of a vehicle to its prior condition when an individual no longer has a need for the vehicle.
  - (vii) Moving adaptations or alterations from one vehicle to another.
  - (viii) Installation of used parts.
  - (ix) Purchase or lease of a vehicle.
  - (x) Purchase of extended warranties.
  - (xi) Rental of an alternative vehicle for use while a vehicle is being modified or repaired in accordance with this rule.
  - (xii) Maintenance, repair, or replacement of a previously installed adaptation or alteration funded by a source other than the individual's waiver.
- (9) "Waiver eligibility span" means the twelve-month period following either an

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individual's initial waiver enrollment date or a subsequent eligibility re-determination date.

### **(C) Provider qualifications**

- (1) Vehicle modifications will be provided by an agency provider that:
  - (a) Meets the requirements of this rule;
  - (b) Has a medicaid provider agreement with the Ohio department of medicaid; and
  - (c) Is licensed as an adaptive mobility dealer in accordance with sections 4517.01 to 4517.45 of the Revised Code.
- (2) An applicant seeking approval to provide vehicle modifications will complete and submit an application and adhere to the requirements of rule 5123-2-08 of the Administrative Code except that:
  - (a) The applicant is not required to pay an application fee as specified in paragraph (R) of rule 5123-2-08 of the Administrative Code.
  - (b) Persons engaged by the applicant to install vehicle modifications are not required to:
    - (i) Hold first aid certification as specified in paragraph (J)(2)(a) of rule 5123-2-08 of the Administrative Code;
    - (ii) Hold cardiopulmonary resuscitation certification as specified in paragraph (J)(2)(b) of rule 5123-2-08 of the Administrative Code; or
    - (iii) Complete the training described in appendix C to rule 5123-2-08 of the Administrative Code.
- (3) Failure to comply with this rule and rule 5123-2-08 of the Administrative Code, may result in denial, suspension, or revocation of the provider's certification.

### **(D) Requirements for service delivery**

- (1) Vehicle modifications will be provided pursuant to an individual service plan that conforms to the requirements of rule 5123-4-02 of the Administrative Code.
- (2) The vehicle that is being modified must be owned by:
  - (a) The individual;
  - (b) The individual's family member with whom the individual lives or has consistent and ongoing contact who may or may not be a paid provider of home and community-based services to the individual; or
  - (c) A person who is neither the individual's family member nor a paid provider of home and community-based services to the individual but is a primary ongoing

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caregiver to the individual.

(3) Prior to authorizing a vehicle modification, an individual's service and support administrator will:

(a) Request an assessment to determine the individual's or caregiver's capacity to use vehicle modifications and identify appropriate vehicle modifications and the suitability of the vehicle to be modified.

(i) The assessment will address:

(a) The individual's physical characteristics (e.g., height and weight) and mobility support needs (e.g., transferring or turning).

(b) Whether the individual travels independently or relies on caregivers during transportation.

(c) Whether the individual uses a scooter or wheelchair, including:

(i) Whether the individual uses a scooter or wheelchair independently or relies on caregivers when using a wheelchair or scooter.

(ii) Whether the individual uses a scooter or wheelchair all the time.

(iii) Whether the individual travels in a scooter or wheelchair or transfers into the vehicle.

(iv) Characteristics of the scooter or wheelchair (i.e., manual or powered, height, weight, width, and length).

(d) Identification of the lowest cost alternative that meets the individual's needs.

(ii) The assessment will be conducted by:

(a) An occupational therapist or a physical therapist licensed pursuant to Chapter 4755. of the Revised Code; or

(b) A driver rehabilitation specialist certified by the association for driver rehabilitation specialists.

(b) Establish ownership of the vehicle to be modified and obtain the vehicle owner's written consent to modify the vehicle.

(c) Secure a written attestation from the individual or the individual's parent or guardian, as applicable, that the vehicle to be modified is the individual's primary means of transportation.

(d) When the vehicle to be modified is used, obtain a written statement from an automotive service excellence-certified professional that the vehicle is in good operating condition.

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- (e) Secure documentation necessary to establish the vehicle owner has liability insurance and collision insurance for the vehicle to be modified that covers the vehicle modifications being made.
  - (f) Obtain at least two quotes from department-certified providers of vehicle modifications that meet the individual's needs as identified in the assessment described in paragraph (D)(3)(a) of this rule and include an itemized list of materials and labor with associated costs.
- (4) A provider of vehicle modifications will:
- (a) Comply with all federal, state, and local regulations that apply to the vehicle modification or operation of the provider's business or trade.
  - (b) Provide a written warranty against defective workmanship lasting at least one year from the date of final acceptance of the work.
  - (c) Provide a written statement that all materials furnished and installed perform their advertised function.
- (5) A provider of vehicle modifications may not be the owner of the vehicle being modified.
- (E) Documentation of services
- Service documentation for vehicle modifications will include each of the following to validate payment for medicaid services:
- (1) Type of service.
  - (2) Date of service.
  - (3) Name of individual receiving service.
  - (4) Medicaid identification number of individual receiving service.
  - (5) Name of provider.
  - (6) Provider identifier/contract number.
  - (7) Year, make, model, and vehicle identification number of the vehicle modified.
  - (8) A description of the work performed including a drawing or diagram of the adaptation or alteration made and an itemized list of materials and labor with associated costs.
  - (9) Written or electronic signature of the person delivering the service.
- (F) Payment standards
- (1) The billing unit, service codes, and payment rate for vehicle modifications are contained in the appendix to this rule.

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- (2) Claims for payment for vehicle modifications will be submitted to the department with verification from the county board that the vehicle modifications meet the requirements specified in the approved individual service plan, the vehicle modifications are satisfactorily completed, and the vehicle modifications comply with applicable federal, state, and local requirements. The verification will be submitted in the format prescribed by the department.
- (3) Payment for vehicle modifications will not exceed ten thousand dollars per waiver eligibility span unless the county board documents the need for an exception in accordance with paragraph (F)(4) of this rule.
- (4) When the cost of needed vehicle modifications exceeds ten thousand dollars per waiver eligibility span, the department and the county board will collaborate with the individual and the individual's team to ensure the individual's health and welfare needs are met either through waiver funding or non-medicaid funds. When waiver funding is necessary, the county board will submit documentation to the department establishing how the vehicle modifications will ensure the individual's health and welfare.

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## APPENDIX

### BILLING UNIT, SERVICE CODES, AND PAYMENT RATE FOR VEHICLE MODIFICATIONS

Billing Unit:	Per vehicle modification	
Service Codes:	Individual Options Waiver	AVM
	Level One Waiver	FVM
	Self-Empowered Life Funding Waiver	SVM
Payment Rate:	Usual and customary charge	