

# Residence Modification Assistance

## Report to the Legislature

as required by RCW 51.36.022, (Chapter 411, Laws of 2005)

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December 2007



## ***Introduction***

The purpose of this report is to respond to legislation that was adopted during the 2005 session. In Engrossed House Bill (EHB) 2185, among other changes, the Legislature directed L&I to report to the appropriate committees of the Legislature on the rules adopted under these provisions by December 2007.

## ***Brief Summary***

EHB 2185 required the Department of Labor and Industries to adopt rules to take effect no later than nine months after the act's effective date (July 24, 2005). These rules were to establish guidelines and processes for catastrophically injured workers to access benefits available under the law for residence modifications.

In the rules, the Department was required to:

- Address access of injured workers to the benefit.
- Consider the needs and preferences of the individual worker based on all available information regarding the medical condition and physical restrictions of the worker, including the opinion of the worker's attending health services provider, to determine whether a modification is medically necessary.
- Consult with persons interested in improving standards for adaptive housing, including persons with expertise in the rehabilitation of catastrophically disabled individuals and modifications for adaptive housing.
- Base the rules on nationally accepted guidelines and publications.

## ***Background***

Industrial insurance is a no-fault state workers' compensation program that provides medical and partial wage replacement benefits to covered workers who are injured on the job or who develop an occupational disease.

A modification is a permanent structural change made to a residence required to meet the eligible worker's needs for safety, mobility, or activities of daily living. Equipment and appliances may be considered as part of the modification.

Under the law as written prior to passage of EHB 2185, catastrophically injured workers can receive up to \$42,584.00 effective July 1, 2007 to modify a residence. This benefit is available for one residence only and is adjusted each year based on changes in the state's average wage. (The law, RCW 50.04.355, provides up to 100 percent of the state's average annual wage for residence modification.) Examples of catastrophically injured workers include:

- Severe brain injury
- Spinal cord injury
- Extremity amputation
- Severe burn or crush
- Occupational diseases that substantially limit the worker's activities of daily living or may be terminal.

If the cost of the proposed home modifications of an existing residence exceeds the benefit amount, the worker is responsible for payment of the balance of the costs (WAC 296-14-6232). The worker must choose one of the following options:

- 1) Adjust their request for modifications to remain within the benefit. Often times, there may be several ways to accomplish this goal:
  - The Department works with the worker, contractor and home modification consultant to come up with an alternative plan and updated bid that will meet the workers needs within the available amount.
    - Taking out a non-critical piece of the modification
    - A family or friend volunteers to do some of the work such as painting or demolition.
  - When more than one option is presented, the less costly option may be chosen when looking at the available funding.
- 2) Obtain additional financing.
  - The worker must submit written verification of the additional financing from the funding sources to the Department

## ***Rules Adopted***

L&I adopted new rules on April 1, 2006, WAC 296-14-6200 through WAC 296-14-6238, for residence modifications. Persons interested in improving standards for adaptive housing were extensively involved in the rulemaking as stakeholders, and based on their feedback, the following changes were made:

- Changes in how the benefit is applied:
  - The maximum benefit may be applied to subsequent modifications to the same residence including repairs and upgrades
  - Household appliances may be allowed
  - Design related services are allowed as part of the benefit
  - The costs required to develop a modification request may be reimbursed
  - The cost of emergent repairs may be reimbursed
- Criteria or process changes including:
  - A process for considering exceptions to the definition of “catastrophic injury” based on a worker’s accepted physical conditions was established
  - The process to access home modification benefits was clarified
  - Criteria for determining whether a modification is reasonable and necessary
  - The requirement to obtain and consider information regarding medical condition, physical restrictions, opinion of the attending health care provider, and worker preferences was added
  - The definition of “catastrophic injury” was broadened to include occupational disease
  - The Therapy Services Coordinator was designated as the point of contact

To read the Washington Administrative Code (WAC) that applies, go to:

[http://apps.leg.wa.gov/WAC/default.aspx?cite=296-14 \(6200-6238\)](http://apps.leg.wa.gov/WAC/default.aspx?cite=296-14 (6200-6238)).

## Outcomes

Along with adopting new rules, L&I developed a residence (home) modification website and two publications. These resources provide information on what a home modification is, who qualifies, how to request one, and contact information.

Home Modification Website:

<http://www.lni.wa.gov/ClaimsIns/Providers/ProviderIndex/homeMod/default.asp>

Home Modification for Workers with Catastrophic Injuries:

<http://www.lni.wa.gov/FormPub/Detail.asp?DocID=2194>

Questions and Answers for Contractors (Home Modification for Workers with Catastrophic Injuries):

<http://www.lni.wa.gov/FormPub/Detail.asp?DocID=2199>

To indicate how L&I has a better process for informing injured workers of modification benefits, the following table outlines the pre and post rule results:

	<b>Pre-Rule</b> 4/1/2005-3/31/2006	<b>Post-Rule</b> 4/1/2006- 3/31/2007
Requests	21	29
Approved	15	19
At maximum benefit	4	3
Over the benefit	3	1
Total amount over benefit	\$109,200 Range: \$11,800- \$54,725	\$40,000
*Covered by Durable Medical Equipment	2	6

\*These requests were addressed using the worker's durable medical equipment benefit.

These numbers and dollar amounts demonstrate that the new rules and the Department's policies along with work with injured workers and other affected parties are resulting in more requests and less modifications over the maximum benefit.