



## Ohio Administrative Code

### Rule 173-3-06.3 Older Americans Act: home modification.

Effective: January 1, 2023

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(A) "Home modification" means a service modifying elements of the interior or exterior of a consumer's home to increase accessibility and enable the consumer to function with greater independence in the home.

(1) "Home modification" includes the assessment, materials, and labor involved in any of the following:

(a) Installing grab bars or other devices to improve the consumer's ability to perform ADLs.

(b) Modifying the interior or exterior of the consumer's home to improve the consumer's health and safety.

(c) Installing a wheelchair ramp to a doorway or another modification to improve the consumer's accessibility.

(d) Repairing or replacing a home modification previously paid, in whole or in part, with Older Americans Act funds, if the previous modification cannot be repaired or replaced through another resource.

(2) "Home modification" does not include a service with any of the following characteristics:

(a) Another person (e.g., a landlord) has a legal or contractual responsibility to provide the service.

(b) The service is available through Ohio medicaid state plan, a medicaid waiver program, or another government program, pursuant to 45 C.F.R. 1321.3.

(c) The service is available through third-party insurers or a community support program.



- (d) The service would add square footage to the home.
  - (e) The service would provide general utility and not direct medical or remedial benefit to the consumer.
  - (f) The service would repair or replace a home modification previously paid, in whole or in part, with Older Americans Act funds, that is damaged as a result of apparent abuse, misuse, or negligence.
- (B) Requirements for every AAA-provider agreement for home modification paid, in whole or in part, with Older Americans Act funds:
- (1) General requirements: The AAA-provider agreement is subject to requirements in rule 173-3-06 of the Administrative Code.
  - (2) Licensure or accreditation: If a modification requires a license or credential (e.g., an electrician, a HVAC specialist, a plumber), only a provider who possesses the current, valid license or credential qualifies to modify the home.
  - (3) Authorization: Before modifying a home, the provider shall do the following:
    - (a) Provide a written or electronic estimate to the AAA on the cost of the modification.
    - (b) Obtain the AAA's written or electronic authorization to begin the modification.
  - (4) Consent agreement: A provider shall not modify a home without first obtaining a written or electronic consent agreement from the homeowner (which may be the consumer, the consumer's family, or a landlord) authorizing the modification and acknowledging that the homeowner understands that the home will remain in the modified state until after the consumer leaves the home.
  - (5) Permits: Before modifying a home, the provider shall obtain any permit and pre-modification inspections required by federal, state, and local laws.
  - (6) Health and safety: If the provider anticipates health or safety risks to the consumer while



modifying the home, the provider shall inform the consumer and the AAA of the risks and modify the home on dates and times that minimize those risks.

(7) Warranty: The provider shall provide a warranty to the AAA covering the workmanship and materials involved in the modification.

(8) Inspection: The provider is subject to any necessary inspection, inspection report, or permit required by federal, state, and local laws or a homeowners' association to verify that the modification was properly completed.

(9) Service verification: The following are the mandatory reporting items for this service that a provider retains to comply with the requirements under paragraph (B)(9) of rule 173-3-06 of the Administrative Code:

(a) Consumer's name.

(b) One of the following dates:

(i) The date the provider completes the modification if the provider only makes one modification to the home.

(ii) The date the provider completes the last modification if the provider makes multiple, related modifications to the home.

(c) Description of the modification(s).

(d) Name of each employee modifying the home.

(e) The unique identifier of the provider to attest to the completion of the modification(s).

(f) The unique identifier of the consumer or the consumer's caregiver to attest to the completion of the modification(s). During a state of emergency declared by the governor or a federal public health emergency, the provider may verify the completion of the modification(s) without collecting the



unique identifier of the consumer or the consumer's caregiver.

(C) Units and rates:

(1) A unit of home modification is one completed modification.

(2) The rate is negotiable and subject to the approval of the AAA before the home is modified. It includes assessment, materials, and labor.