



## **PURCHASE OF SERVICE GUIDELINE**

<b>10/23/2023</b>	<b>VEHICLE MODIFICATION</b>	<b>FINAL</b>
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### **I. CRITERIA**

Vehicle Modification/Adaption (VMA) is a change made to a vehicle so that it differs from the manufactured original factory specifications. The vehicle modification will support the individual to drive or to ride as a passenger, in order to meet his or her individual Program Plan Outcomes. ELARC may assist consumers with the purchase of vehicle modification related to the developmental disability when it is deemed necessary to main the consumer's health/physical status or allow the individual greater independence. Appropriate evaluations must be done or conducted and recommendations reviewed, prior to the consideration of vehicle modifications. A used vehicle must be structurally and mechanically sound, meet requirements for modifying a vehicle and not need mechanical repair. Modification must be able to accommodate the individual's mobility needs. All types of modifications for accessing community will be considered/explored.

Prior to the request for Vehicle Modification/Adaption (VMA), a Letter of Support by parents/primary caregiver to be requested. The letter must include the following information: Why is modification needed? If applicable, can a car seat be utilized? If not, why will a car seat not work? Medical supporting documentation? Have other cost effective options been considered such as a car seat?

The SC will have a conversation with the planning team about the requirements for service provision including enrollment to HCBSW. Consumer to consider being a participant in HCBSW at the time of regional center funding if determined eligible for the VMA.

When considering vehicle modification for an ELARC Consumer, the consumer/families are expected to consult with their ELARC Service Coordinators (SCs) prior to approaching or consulting any vehicle modification/adaptation vendors or car dealerships for the purchase of a vehicle.

## **II. DEFINITION**

### **Vehicle Modification:**

Vehicle Modifications/Adaptation(s) (VMA) include but are not limited to: repair, maintenance, installation and training in the care and use of items provided, modified or adapted and are identified in the consumer's IPP. The manufacturer's authorized dealers or service centers must perform vehicle adaptations. The manufacturer's authorized dealers or service centers shall perform repairs to and maintenance of such equipment where possible.

The following types of adaptations to vehicles are allowable: door handle replacements; door widening; lifting devices, wheelchair securing devices, adapted seat devices, adapted steering, acceleration, lowering of the floor, signaling and braking devices, and handrails and grab bars.

Adaptations to vehicles shall be included if on an individual basis, the cost effectiveness of vehicle adaptations, relative to alternative transportation services, is established. Adaptations to Vehicles are limited to vehicles owned by the consumer or the consumer's family and do not include the purchase of the vehicle itself.

The recipient's family includes the recipient's biological parents, adoptive parents, stepparents, siblings, children, spouse, domestic partner (as defined by State law), or a person who is a legal representative of the consumer who lives with the consumer and adapted or modified vehicle is consumer's primary mode of transportation.

To maximize federal reimbursement for vehicle modification, if the consumer is eligible for the HCBS Waiver, otherwise known as the Medicaid Waiver, SCs are strongly encouraged to enroll the consumer in Medicaid Wavier. In addition, there must be a written assessment by a licensed Physical Therapist, or a registered Occupational Therapist.

Proof of vehicle ownership for those who own a vehicle - affidavit of commitment and intent to keep the vehicle; Proof of vehicle insurance

### **AMOUNT OF SERVICE**

ELARC may purchase the least expensive modification/adaptation which safely meet the consumer's needs.

ELARC may repair broken equipment providing the warranty instructions were properly followed by the responsible party. Any insurance settlements secured by consumer's family following a motor vehicle accident must be applied towards the cost of replacement or repair of the vehicle modification or equipment. ELARC will not purchase extended warranties or fund general vehicle repair.

Vehicle modification would be done one time unless an extraordinary circumstance is deemed appropriate.

The purchase of vehicle modification may be considered when all alternative funding sources have been exhausted. WIC section 4648, subd.(a)(8);

At the time of development, review, or modification of a consumer's individual program plan (IPP) or individualized family service plan (IFSP), all of the following shall apply to a regional center:

(a) A regional center shall not fund private specialized transportation services for an adult consumer who can safely access and utilize public transportation, when that transportation is available.

(b) A regional center shall fund the least expensive transportation modality that meets the consumer's needs, as set forth in the consumer's IPP or IFSP.

(c) A regional center shall fund transportation, when required, from the consumer's residence to the lowest-cost vendor that provides the service that meets the consumer's needs, as set forth in the consumer's IPP or IFSP. For purposes of this subdivision, the cost of a vendor shall be determined by combining the vendor's program costs and the costs to transport a consumer from the consumer's residence to the vendor.

(d) A regional center shall fund transportation services for a minor child living in the family residence, only if the family of the child provides sufficient written documentation to the regional center to demonstrate that it is unable to provide transportation for the child.

WIC Section 4648.35

(e) An exemption may be granted on an individual basis in extraordinary circumstances to permit purchase of services only when the regional center determines that the service is a primary or critical means to ameliorate the physical, cognitive or psychosocial effects of the consumer's developmental disability, or the service is necessary to enable the consumer to remain in his or her home and no alternative service is available to meet the consumer's needs  
WIC section 4648.5, subd. (c).

### III. ALTERNATIVE FUNDING RESOURCES

Regional Center (RC) funds shall not be used to supplant the budget of any public or private resource or agency which has a legal responsibility to serve all members of the general public and is receiving funds for providing those services. Other public and private resources must be pursued prior to ELARC funding. Resources may include, but not be limited to, DOR [(Mobility Evaluation Program (MEP))], Medicare or private insurance providers that may have responsibility for payment. Private resources, including trusts designed to meet the accommodation needs of the recipient, court ordered settlements and payments, can be pursued, but only to the extent that they are liable for the costs of services, aid, insurance, or medical assistance to the consumer.

Generic services and natural supports (extended family, friends, etc.) must be explored and secured prior to ELARC's purchase of Resources include but are not limited to:

- Private insurance
- Private trusts
- SSI Benefits
- Medi-Cal benefits
- Department of Vocational Rehabilitation
- Cal Able Accounts
- Parental Responsibility to be taken into consideration for minors

There are programs that may help pay part or all of the cost of vehicle modification. CA Department of Rehabilitation and, if appropriate, the U.S. Department of Veterans Affairs can pay for part or all the cost of the vehicle modification.

Workers' compensation typically covers the cost of adaptive equipment if your need for such equipment is a result of a job-related injury.

Most major vehicle manufacturers offer rebates on adaptive equipment, usually up to \$1,000, provided you purchase a vehicle less than one year old. Your local automobile dealer can supply information on these programs and assist you with the application process.

National Mobility Equipment Dealers Association (NMEDA) members are also familiar with vehicle manufacturer rebates, can help you apply for these rebates — and can provide pre-purchase advice about the type of vehicle that will accommodate your adaptive equipment needs.

Some States waive the sales tax for adaptive devices if you have a doctor's prescription for their use.

The cost of adaptive equipment may be tax deductible. Check with a qualified tax consultant to learn more.

The Muscular Dystrophy Association can fund for vehicle modifications. Philanthropy organizations to be considered (Rotary Club, Soroptimist International)

NOTE: Most major automobile manufacturers have a rebate program that reimburses a portion of modification equipment cost. It is the responsibility of the individual to apply for rebates and offset the cost of the modification.

ELARC will purchase services from the least costly service provider that can meet the consumer's needs. Determination of least costly provider will include:

- Provider rates (usual and customary rates with differences in vendor mark ups)
- Comparable services or equipment if the needs are met
- Medicaid Waiver eligibility
- Family's requirement to consider an appropriate least costly vehicle type that can meet the consumer's need
- Consideration of a low mileage used modified vehicle or a used vehicle that can potentially be modified to meet consumer's need
- At least 3 estimates for modification/adaptation to be presented; if there are extenuating circumstances 2 estimates will be accepted

The consumer will not be required to use the least costly option if that option results in a more restrictive living arrangement or a less integrated service setting

#### **IV. KEY CONSIDERATIONS FOR SERVICES**

- I. Requested treatment, services, or product must be related to the consumer's qualifying condition.
- II. Any services need to be linked to achievement of an identifiable objective in the Individual Program Plan.
- III. Families are also expected to have a valid driver's license, and carry legally required automobile insurance to indicate the value of the vehicle modification. Above proof must be submitted to the SC.

- IV. Provision of Vehicle Modification service is available to consumers enrolled in the HCBSW Program, otherwise known as Medicaid Waiver program. If the consumer is eligible for Medicaid Waiver, SCs are strongly encouraged to enroll the consumer in the program to maximize Federal reimbursement.
- V. The funding requests for vehicle modification or adaptation shall be considered primarily as a supplemental resource to assist consumers and families when the planning team identifies the need for vehicle modification as least restrictive, shall be solely utilized for the primary transport of the consumer, and will enable the family to keep the consumer in the family home and avoid placement in a more restrictive environment.
- VI. ELARC acknowledges that on occasion a consumer may reside part-time in two or more homes. However, ELARC purchases services and supports for the consumer, and not for the consumer's parents, guardians, conservators, or caregivers. Therefore, ELARC shall not purchase duplicate modifications or adaptations for a consumer on multiple vehicles owned by different family members or caregivers. It is the responsibility of both parents of a minor consumer, or the conservators of an adult consumer, or of an unconserved adult consumer and his/her caregivers, to determine the one vehicle for which ELARC shall fund modifications or adaptations, and to make their own arrangements to either share that modified or adapted vehicle between the homes, or to split the cost of purchasing any additional adapted or modified vehicles. The SC shall provide the consumer, or all parents or guardians of a minor consumer, or all conservators or caregivers of an adult consumer, written notice of ELARC's policy regarding funding services and supports for consumers residing in two or more homes before ELARC may consider purchase of any services or supports for use at a consumer's second or alternative residence.
- VII. Vehicle modification purchased by the regional center must meet the standards set forth by the Federal Motor Vehicle Safety Standards and Regulations.
- VIII. ELARC will not fund vehicle modification for consumers whose primary residence is publicly funded (e.g., a community care facility, FHA, ICF-DDN/H, SNF).
- IX. ELARC SC will assess for anticipated changes in wheelchair to meet consumer's needs, including consultation with the provider of primary wheelchair (e.g., Private Insurance, CCS, Medi-Cal) to determine how long current wheelchair is anticipated to be utilized, if a new wheelchair will be ordered, and when consumer will be due for a new wheelchair if it will be compatible with the requested vehicle modification.

- X. Families are expected to maintain their vehicles and equipment by following the manufacturer's recommended service schedule.
- XI. Completion of any VMA funded by ELARC, is the responsibility of the VMA vendor and must follow industry standards. The VMA vendor will ensure family is instructed on utilization of the equipment, warranty information, and are aware of their responsibility for level of routine care, protection and maintenance which indemnifies ELARC from liability due to damage or injury resulting from improper use of the equipment.
- XII. ELARC pays in rears; ELARC will not pay to ship the car out of state for VMA.

**Modification of an Existing Vehicle - Request:**

1. SC to discuss with Planning Team the potential for ELARC to fund the modification to a vehicle currently owned or expected to be purchased by the consumer and/or family. SC to explain the process of referring the consumer and/or family to an ELARC vendored Vehicle Modification provider for consultation on meeting the need for adaptive transportation.
2. When considering a purchase of a used vehicle for modification to be funded by ELARC: The vehicle modification vendor shall work with the family in identifying a used vehicle that is appropriate for modification and responsive to the family's budgetary limitations. SCs are encouraged to participate in the evaluation process. \* Determining the expected longevity of a used vehicle's life is a task primarily entrusted to the vehicle modification vendor's expertise. Since each make and model of a used vehicle differs in longevity (engine life), reliability and body integrity, ELARC cannot definitively assign a mileage cap on used vehicles. It is however expected that the vehicle and modification will last for a minimum of ten years or longer, therefore, the age and mileage of the vehicle will be taken into consideration during the review process.
3. Vehicle modification vendor chosen to provide the service must meet the provider eligibility criteria for HCBSW and be vendored as such by the regional center.
4. Any modification that requires repositioning or replacement of major vehicle parts must be performed by a vehicle modification vendor authorized by the manufacturer to perform such work and is accredited by the National Mobility Equipment Dealer Association (NMEDA).

### **Already Modified Vehicle - Request:**

1. Families who are considering a purchase of a modified vehicle shall consult with the SC and VMA vendor. The vehicle modification vendor shall submit a depreciated cost (depending on when the modification was completed) of the modification only to the SC. SCs are to instruct vendors not to submit the cost of the vehicle which is the family's responsibility.

### **Repair of Vehicle Modification:**

1. Vehicle insurance can provide consumers and families with wheelchair van protection at varying levels, based on the amount of collision and comprehensive coverage selected under car insurance plan. If something happens to the vehicle, the entire van may be eligible for repairs.
  - a. Talk to your insurance company to get full details on what's covered and ask specifically about wheelchair conversions. If your car is totaled, your car insurance might be able to help with the conversion repair or replacement as well as the coverage for the rest of the van. If your car is damaged by flooding, comprehensive coverage will likely be applicable toward part of the costs. Familiarize yourself with your car insurance policy.
  - b. In situations outside of accidents, a wheelchair conversion will likely not be covered. It's worth it to call your car insurance company and ask them about getting a rider. An insurance rider provides additional coverage for something not specifically covered with your primary policy. Though riders cost extra, having them on your account may help you make changes or apply discounts on your car insurance under special circumstances.
2. Any requests for repair shall have consideration if the repair is related to the specialized adaptation versus the general maintenance of the vehicle. Further, families are expected to properly use and maintain the vehicle modification equipment (e.g., keeping equipment clean, periodic inspection of mechanical/ electrical systems per the manufacturer's recommendations, exposed wires).
3. Upon requests for repairs, SC shall inquire with the providing vehicle modification vendor if the repair is covered by the manufacturer's warranty.



4. Any requests for repairs must be conducted by the original vendor who installed the modification in the vehicle. Only one estimate for repair is needed in this case.
5. Per the Manufacture recommendation, all modifications that are being considered for used vehicles must be less than 10 years old or 30,000 miles.
1. Previously funded vehicle modifications may be transferred from one vehicle to a newer vehicle when:
  - It is determined the current vehicle no longer meets the needs of the consumer, or it is determined to be no longer safely operable for the consumer, **and**
  - Specialized adaptation equipment from current vehicle is determined to be functional and in good working order

The consumer/family should be referred back to the vendor that completed the original modification for consideration of the possibility of transferring any functional equipment that may be used to modify the new vehicle.

2. If existing equipment experiences mechanical malfunction, SC shall consult with original vehicle modification vendor if appropriate to determine if repairs or replacement is necessary.
3. If installed equipment or devices in the current vehicle appear to no longer be appropriate for continued use in the new vehicle, the SC shall refer the consumer/family to vehicle modification vendor to determine the most appropriate, safe, functional and cost effective equipment for the consumer and assist the family in choosing the vehicle type that would provide the most benefit (longevity, comfort, safety, etc.) to the consumer.

#### **Adaptations for Consumer as a Driver:**

1. SC to assess and determine the consumer's request and use for vehicle. DOR may be a generic resource if access is related to education or vocation. SC to consult with DOR to determine if consumer can access their Mobility Evaluation Program (MEP).

## **Transfer of Equipment from One Vehicle to Another:**

1. When considering ELARC funding for transfer of equipment from an existing modified vehicle to a replacement vehicle the IPP planning team shall confirm:
  - a. The current vehicle no longer meets the needs of the consumer, is determined to be no longer safely operable **and**
  - b. Specialized adaptation equipment from current vehicle is determined to be functional and in good working order
  
2. SC shall refer the family to the VMA that provided the original vehicle adaptation or installation.
  
3. The VMA vendor shall work with the family in identifying a replacement vehicle that is appropriate for modification and responsive to the family's budgetary limitations. Determining the expected longevity of a used vehicle's life is a task primarily entrusted to the vehicle modification vendor's expertise. Since each make and model of a used vehicle differs in longevity (engine life), reliability and body integrity, ELARC cannot definitively assign a mileage cap on used vehicles. It is however expected that the vehicle and modification will last for a minimum of ten (10) years or longer, therefore, the age and mileage of the vehicle will be taken into consideration during the review process.
  
4. When a quote from the VMA vendor has been obtained, the SC shall obtain and attach the following document:
  - a. Two or more Quotes

**Note:** *Quote must be itemized*

## **V. PROCESS FOR SERVICE COORDINATION**

1. If consumer and family is considering a purchase of a Vehicle Modification Adaptation (VMA) that will be modified or adapted for consumer's utilization, that consumer and family must first notify the ELARC SC of the intent. The IPP/IPP Addendum shall include the documented need for VMA to meet the needs of the consumer.
  
2. Documentation should clearly identify the consumer's specific need(s), and a clear description of how the proposed adaptation will meet the consumer's needs
  
3. SCs shall inform the families and/or consumers that ELARC will fund the least costly modification to the vehicle and the family's vendor of choice, if any, may or may not be the provider of the service. If the family chooses a provider or equipment that exceeds the least costly bid or the assessed need, the family will be required to pay the difference.

4. The SC shall notify the family of VMA vendor options and the requirement to obtain two quotes. A minimum of two comparable quotes from VMA are required to determine the least costly and most appropriate bid for modification or adaptation. When the quotes from the VMA vendor have been obtained, the SC will send the consumer chart/referral packet, along with the completed Vehicle Modification Checklist to the clinical team/OT Consultant to determine service appropriateness.
5. SC will need to provide OT with the following information: Current Medical Records for the consumer (1 year or less), All therapy Reports (OT, PT), Any/All Specialist Reports; Attestation Letter from the parent/primary caregiver regarding the need for the VMA
6. SC will need to request an “in person assessment” by the potential VMA Provider with quotes and including itemization from 2 or more providers (narrative justification and photos must be submitted)
7. Following agreement to fund and upon completion of the vehicle modification, the family shall secure and provide proof of automotive insurance that verifies the insurance coverage includes the newly adaptive equipment.
8. SC will need to complete a RFV (Request for Vendorization) via the Intranet and attach supporting documentation to the request. Supporting documentation includes: Clinical Review OT/Physician; Quotes from 3 (or at least 2 agencies)-or reason why three were not obtained; a detailed invoice from the provider who will complete the vehicle modification (to include a description & cost for the service/product/equipment needed); approval from the Chief of Consumer Services

### **XIII. EVALUATION OF SERVICE EFFECTIVENESS**

The need and utilization of vehicle modification/adaptation shall be reviewed at the IPP meeting. Utilization of the modified vehicle should be monitored ongoing by the SC at the time of IPP reviews. The VMA vendor will provide training and follow up on the appropriate and safe use of the vehicle or devices and controls installed in the vehicle.

Completion of any VMA funded by ELARC, is the responsibility of the VMA vendor and must follow industry standards. The VMA vendor will ensure family is instructed on utilization of the equipment, warranty information, and are aware of their responsibility for level of routine care, protection and maintenance which indemnifies ELARC from liability due to damage or injury resulting from improper use of the equipment.

- **VMA vendors hold surety bonding, general liability and cyber security insurance.**
- **VMAs are independent contractors.**
- **Work completed is done under manufacturer's warranty and shall adhere to their own warranty policy and should be specifically discussed at the onset of establishing a service agreement with the consumer/family.**
- **Concerns with products shall be deferred to the manufacturer's warranty.**

VMA vendor will provide written verification of completion of these steps to SC.

Upon completion of vehicle modification, should consumer/family express concern or dissatisfaction with the outcome of work completed they are to report to SC. SC is to gather information to identify the problem, pertinent documents, what was the communication with the vendor to address concerns, and any additional information. The planning team, therapist reports, review by the appropriate consultant, and consumer/family feedback will serve as the mechanism for evaluation the effectiveness of the service and support