

GUIDELINES FOR AUTHORIZING VEHICLE MODIFICATIONS

These updated guidelines outline the process for authorizing Vehicle Modifications (VMods) under the 1915(c) Children's Home and Community Based Services (HCBS) Waiver (Children's Waiver with the transition of modifications to the Financial Management Servicer (FMS)).

VMods are adaptations made to a vehicle that are intended to enhance or maintain the individual's independence and inclusion in the community and substitute for human assistance, to the extent that expenditures would otherwise be made for human assistance. VMod expenditures must be related to an assessed Activity of Daily Living (ADL), Instrumental Activity of Daily Living (IADL), or health-related need and must be tied to a goal reflected in an individual's written person-centered Plan of Care (POC).

VMods outlined in these guidelines are for children and youth up to the age of 21 years old, who are found HCBS eligible and enrolled in the Children's Waiver.

In an effort to streamline the review and payment process for these services, **effective March 1st, 2024**, review, approval and payment of all new Environmental Modification (EMod), Vehicle Modification (VMod), and Assistive and Adaptive Technology (AAT) requests for children/youth served under FFS Medicaid will be processed by FMS, in association with the New York State Department of Health (NYSDOH). NYSDOH may provide technical assistance and advisory support and review as requested by the FMS. The FMS will be responsible for all new and transitioned projects. For projects that are already approved and funded, the Local Department of Social Services (LDSS) will continue these projects to completion under the current [ADM](#). NYSDOH reserves the right to transition any projects to the FMS on a case-by-case basis.

Effective July 1, 2024, the review, approval and payment of all new Environmental Modification (EMod), Vehicle Modification (VMod), and Assistive and Adaptive Technology (AAT) requests for children/youth served under Medicaid Managed Care Plans (MMCPs) will be processed by FMS. NYSDOH may provide technical assistance and advisory support and review as requested by the FMS. The FMS will be responsible for new projects. EMod, VMod, and AAT requests already in process prior to July 1, 2024, with MMCPs will be retained by the MMCPs to completion.

For more information on project transfer and program implication, please refer to the [General Information System \(GIS\)](#).

Examples of VMods include, but are not limited to:

- Adaptive equipment to enable an individual to operate the vehicle, including:
 - Hand controls, deep dish steering wheel, spinner knobs, wheelchair lock downs, parking brake extensions, foot controls, wheelchair lifts (including maintenance contracts), and left foot gas pedals
- Changes to the structure and internal design of the existing equipment including:
 - Floor cut-outs, replacement of a roof with a fiberglass top, extension of steering column, raised door, repositioning of seats, wheelchair floor, and dashboard adaptations

Service Limitations

Children/youth who are members of the Medical Indemnity Fund (MIF) must consult with a MIF care manager regarding requests for VMods.

VMods may be made to only one vehicle that is the primary means of transportation for the individual. This primary means of transportation may be owned by the individual, a family member, or non-relative who provides primary, long-term support and/or transportation for the individual. Routine maintenance and repairs related to the vehicle itself are not covered under the Children's Waiver and are the responsibility of the

participant/family. Payment may not be made to adapt vehicles that are owned or leased by paid Medicaid providers.

For an individual to qualify for a VMod that allows him/her to drive the vehicle, he/she must be functionally able to drive the vehicle and possess a current, valid driver's license that lists restrictions related to his/her disability. If the license was obtained prior to onset of disability, the individual must obtain an updated license which lists the individual's restrictions. The individual must have unrestricted access to the vehicle proposed for modification. Approved modifications must be necessary for the individual to drive the vehicle. Any Waiver participant requesting a safe driver modification must also apply to ACCES-VR for vehicle modifications and be denied prior to requesting modification from the Childrens Waiver.

For an individual to be eligible for a VMod as a passenger of the modified vehicle, the modification must ensure his/her safe travel and access in and out of the vehicle. Safe transportation needs include storage for necessary medical equipment for use in transport and/or at the destination and ensure safe travel for caregivers to monitor and/or provide necessary treatment to the individual.

The individual (and/or family member) is expected to assume the cost of the vehicle purchase and any optional equipment available from the dealer through factory installation, i.e., air conditioning, sound systems). A van can only be considered for modification if a car cannot be modified to meet the individual's needs.

VMods are considered a one-time benefit. Requests for additional repairs and/or replacement of VMods are determined on a case-by-case basis as a medical necessity. All VMods require prior approval by FMS.

Contracts for Vehicle safe passenger modifications may not exceed \$35,000 per year unless there are extraordinary circumstances documented, and prior approval is granted from the FMS or Governmental Entity in conjunction with NYSDOH. NYSDOH may consider exceptions when medically necessary, including but not limited to, an extraordinary significant change in the child's needs or capabilities. Any exception must have a clinical assessment that documents the functional need for the request and how it is the least costly option to meet the individual's needs.

Contracts for vehicle safe driver modifications cannot exceed \$65,000 per year. Waiver participant must have a current valid driver's license with requirement of driving a modified vehicle to request a safe driver modification. Cost of driving lessons are available under the Waiver as part of the safe driver modification if the participant is assessed to require a modified vehicle to drive safely. If a participant is able to drive an unmodified vehicle safely, the cost of driving lessons and vehicle modification will not be reimbursable under the Waiver. Modifications made to vehicles become the responsibility of the owner to maintain and repair. However, repairs for a modification made to a vehicle may be covered if authorized by FMS prior to repair and determined to be a medical need. Removing modifications or returning property to its original state is not the responsibility of the FMS or NYSDOH. Additional modifications beyond those deemed medically necessary by the FMS are the responsibility of the individual.

The cost of modification in new or used vehicles will only be considered if the vehicle meets the following additional criteria:

- The vehicle must pass New York State inspection, be registered, and be insured for liability, comprehensive, and collision
- The vehicle must be structurally sound, without need of mechanical repairs, and able to support/accommodate the needed adaptation
- The vehicle must not have any rust or deficiencies in the areas to be modified or in the areas already modified
- The vehicle must be less than five years old and register less than 50,000 miles on the vehicle's odometer

Repair & Replacement of Modification:

Vehicle Modification is a one-time benefit for a motor vehicle used to transport the participant. However, in reasonable circumstances determined and approved by the FMS, a second modification may be considered for funding if the current modifications are worn-out or unsafe. Replacements or repairs made to existing equipment will be paid if documented as a necessity. In addition, when the modification must be replaced or repaired, a depreciation schedule may be used to determine the limit of the amount to be applied to the cost.

Used adaptive equipment and modification devices are sometimes available for purchase. To ensure the greatest safety and performance, used equipment will only be approved if it is purchased from licensed businesses with current NMEDA certification and dealing in the sale of pre-modified vehicles. Consumer to consumer sales will not be approved for reimbursement. In the case of pre-modified vehicles, the vehicle must meet all the medically necessary modifications for the participant to be transported safely. No further modifications can be added to the pre-modified vehicle for reimbursement under the Waiver.

Services and Supports Not Included Under Vehicle Modification

The Children's Waiver will not fund services/items/devices that are not for an assessed medical need including, but not limited to, the following:

- Adaptations or improvements to the vehicle that are of general utility, and are not of direct medical or remedial benefit to the individual
- All equipment and technology used for entertainment is prohibited for reimbursement.
- Other exclusions for reimbursement under the Waiver include: the purchase, installation or maintenance of items such as cellular phones, global positioning/tracking devices, or other mobile communication devices; repair or replacement of modified equipment damaged or destroyed in an accident; alarm systems; auto loan payments, insurance coverage; costs related to obtaining a driver's license, title/registration, license plates, emergency road service, or cost to rent modified vehicles when a vehicle modification is in process.

Evaluators and Providers of Vehicle Modifications

The FMS contracts with a local modification evaluator to evaluate the participant's modification needs and a modification provider qualified to complete the required work. In the case of vehicle modifications, the evaluators and modifiers are approved by the NYS Education Department's Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR). Activities for evaluator include and are not limited to determining the need for the service, the safety of the proposed modification, its expected benefit to the child, and the most cost-effective approach to fulfill the participant's need.

The FMS is the provider of record for Vehicle Modifications for billing purposes. The work is done by a contractor who is selected by the FMS through a standard bid process, following the rules established by the Office of the State Comptroller. Standard provisions of the NYS Finance Law and procurement policies must be followed to ensure that contractors are qualified, and that State required bidding procedures have been followed.

Note: This service does not duplicate other services available through the New York Medicaid State Plan. All services require prior authorization by the FMS and in conjunction with NYSDOH if exceeding established limits.

VMods must be provided by individuals who are qualified and licensed to comply with State and local regulations. The HHCM/C-YES must arrange for a mandatory comprehensive evaluation of the participant's needs for adaptive equipment or comprehensive vehicle modifications by an ACCES-VR approved Certified

Driver Rehabilitation Specialist (if the individual is working toward employability) for safe driver modifications. If the participant is a minor or unable to safely drive, a safe passenger evaluation by a vehicle modification evaluator is required. Safe driver modifications may be provided under the Childrens Waiver only if the Waiver participant is ineligible to receive a safe driver modification with ACCES-VR.

A VMod provider must be currently approved under the Quality Assurance Program of the National Mobility Equipment Dealers Association and contracted with FMS. These are listed at <http://www.nmeda.com/locate-dealer/search-by-state/?state=NY>.

The safe passenger or safe driver evaluation must specify the most cost effective and least complicated vehicle modification that will ensure safe transportation and exit from and entrance into the vehicle for the participant. The evaluation must also include a dated and detailed scope of work and specifications. Any needs for power for medical equipment in use during transport, storage of medical equipment, and safe seating for caregivers to monitor participant and provide treatment during transport should be a part of the evaluation.

FMS and HHCM/C-YES are encouraged to identify providers in advance of service requests to ensure adequate capacity. HHCM/CYES must receive permission from FMS to seek evaluations from FMS contracted evaluators and bids from FMS contracted modification providers. Members and families do not need to purchase vehicles in order to provide bids for review of VMod funding approval. Reimbursement for VMods will not be provided directly to families. Reimbursement may only be provided to VMod providers for the cost or value of the modifications on the day of delivery.

Authorizing Vehicle Modifications

If a child/youth receives HCBS as part of the Children's Waiver, the participant is eligible to apply for a VMod following the *Procedure for Authorizing Vehicle Modifications*.

Procedure for Authorizing Vehicle Modifications:

1. During a POC meeting through the person-centered planning process, the Health Home Care Manager (HHCM)/C-YES, individual, and anyone involved in the development of the POC will determine if a VMod is necessary to assist and enhance the individual's independence in performing ADLs, IADLs, and/or health related tasks and/or will substitute for human assistance (to the extent that expenditures would otherwise be made for human assistance). The participant/family should receive a copy of the Parent Information Sheet for Vehicle Modifications. The HHCM/C-YES will explain the information and answer any questions the family has for the process.

The HHCM/CYES will notify FMS of the VMod request within seven (7) business days of adding/updating the POC. The HHCM/C- YES will submit this notification to the FMS Portal at CHHUNY - FMS Waiver.

2. FMS Request Submission Information

The HHCM/CYES will provide the following information to FMS regarding a request:

- Child/youth's name
- Child/youth's CIN #
- Type of request: AAT, EMod, or VMod
- Brief summary of the request – what is needed and why the support is needed
- HHCM agency name or C-YES and HHCM/C-YES contact information
- Letter of medical necessity for modification
- Proof of Medicaid as Payor of Last Resort including FMS Due Diligence template and third party letter of denial of contract coverage for any participant with TPHI coverage

This FMS portal submission by the Care Manager starts the VMod request process by generating an individualized link for the request. All communication regarding the request will be conducted through the portal link. The HHCM/CYES should keep the link provided to submit documentation and receive updates on the request status.

Any time there is an addition or change to the portal information, the HHCM/CYES will receive notification as to the status and next steps for the request via the autogenerated link.

If a request is not allowable under the Waiver, the FMS will contact the HHCM/CYES within 5 business days of initial submission to inform them that the request is closed for noncompliance with the Waiver.

3. Letter of Medical Necessity

Letter of Medical Necessity (LoMN) is provided by a Medical Doctor (MD) or Doctor of Osteopathy (DO) who is currently treating the Waiver participant. Other allied health professionals such as physician's assistants, nurse practitioners, and other therapists and clinicians can't provide a LoMN for EMod, VMod, and AAT requests.

The LoMN should contain the diagnoses directly linked to the medical need for support, an order by the doctor for the submitted request, and why the request is medically necessary for the Waiver participant. The LoMN must be signed and dated by the Medical Doctor (MD) or Doctor of Osteopathy (DO). The POC must be consistent with the details of the letter of medical necessity.

4. The HHCM/C-YES will verify vehicle information and condition for modification including the name of the vehicle owner and their written permission for the modifications/adaptations if the vehicle to be modified is owned by the participant/family. If the vehicle is not yet purchased, the intended vehicle owner will provide written permission to obtain modifications.

5. The HHCM/C-YES, on behalf of the individual, will seek a clinical justification from the appropriate clinician (e.g., Occupational Therapist, Speech Language Pathologist, clinician from Article 16 or 28 clinic, Physical Therapist, or other licensed professional) and/or service specialist to assess the individual's need for the VMod request as necessary. Clinical justifications are not required for every VMod request. Please consult with FMS to verify if a clinical justification will be needed for the VMod request.

6. The HHCM/C-YES and the individual/family will exhaust potential payment sources for the identified VMod, including private insurance, community resources, and other Local/State/Federal programs before a request for payment under the Children's Waiver will be considered. Medicaid should only be used as the payor of last resort.

Only those services not reimbursable under the Community First Choice Option (CFCO) State Medicaid Plan, Medicaid State Plan under 1905(a) of the Social Security Act or other federal/state funding streams will be reimbursable under the HCBS Waiver

7. The HHCM/C-YES will seek permission from FMS to obtain a safe passenger or safe driver evaluation which serves as the scope of project and pre-project evaluation. **Please note: Prior to requesting a safe driver evaluation under the Childrens Waiver, the Waiver participant must be denied by ACCES-VR for vehicle modification.**

- Once a safe passenger or safe driver evaluation is completed, the HHCM/C-YES will submit a [Pre-Project Evaluation Payment Request Form](#) to the FMS within five (5) business days of evaluation completion. The submission should also include a copy of the pre-project evaluation or evaluation invoice. Additional information on the **Pre-Project Payment Request Form** can be

found [here](#).

- The cost of a safe passenger or safe driver evaluation is covered by eMedNY claiming for FMS projects, regardless of project completion.
8. The HHCM/C-YES should obtain the requested number of bids (at least one bid for VMods less than \$1,000 or at least three bids for VMods of \$1,000 or more) and submit them to the FMS for review. Reasonable efforts must be made to obtain three bids. If not possible to obtain the three required bids, the HHCM/C-YES may proceed with fewer than three bids with sufficient justification documented in the case file and with a written statement submitted to the FMS as part of the Service Request Packet.
- The FMS is responsible for evaluating bids and selecting the vendor to provide the VMod based on the bid that meets the assessed need.
 - Payment for an assessment completed by the VMod provider/contractor, for helping select a specific modification, or for training in the use of any equipment, must be included in the cost of the VMod, if the expertise needed for assessing, selecting, and training is NOT available as part of a Medicaid State Plan service, or through other sources that are already involved with the individual.
9. HHCM/CYES will coordinate Case Meetings with FMS, participant/family, and other parties as needed. FMS Case Meetings are held: 1) after the pre-project evaluation is completed to review the project scope and determine if there are any changes needed and 2) after the complete Service Request Packet is submitted and reviewed to review the selected bid and collaborate on the project initiation needs. FMS may waive case meetings if they determine a project is not complex and the projected cost is within the annual soft cap for the service. The parent will sign the Parent Agreement with a copy for the Waiver participant and family/caregiver and a copy to be retained in the Waiver participant's record.
10. The HHCM/C-YES must submit the **Service Request Packet** to the FMS to initiate the authorization process. The documentation submitted by the HHCM/C-YES must detail the need and intended purpose of the VMod to support the request. The HHCM/C-YES will put the **Service Request Packet** together to submit everything at the same time – individual items and documents should not be submitted separately to the FMS to initiate the authorization process. The HHCM/C-YES will submit supporting documentation, including:
- A completed **Description and Cost Projection Form**, signed by all necessary parties, including documentation of Medicaid as the payor of last resort
 - **Letter of Medical Necessity** for the request
 - **Clinical justification** for the request, if applicable
 - The child/youth's most recent **Plan of Care (POC)**
 - **Any necessary evaluations** for the project/equipment*
 - **Three bids** for the project/equipment or a justification as to why three bids could not be obtained
 - Copy of current drivers license of Waiver participant for safe driver modification request
- *When accompanied by a **Pre-Project Evaluation Payment Request Form**, pre-project evaluations should be submitted prior to submission of the **Service Request Packet**.
11. On the date of receipt, the FMS will electronically date stamp the **Service Request Packet**. From the date stamped receipt of the VMod **Service Request Packet**, the FMS will have five (5) business days to

review the submitted packet for completeness. A request may be deemed incomplete if it is missing any of the following items:

- A completed **Description and Cost Projection form**, signed by all necessary parties, including documentation of Medicaid as the payor of last resort and any previous EMod/VMod/AAT service requests by the member
- **Letter of Medical Necessity** for the request
- **Clinical justification** for the request, when necessary
- The child/youth's most recent **Plan of Care (POC)**
- **Any necessary evaluations** for the project/equipment
- **Three bids** for the project/equipment or a written dated justification as to why three bids could not be obtained
- Copy of current drivers license of Waiver participant for safe driver modification request

12. If the above items are missing, then the FMS **MUST** successfully contact the submitting entity no later than five (5) business days after receiving the **Service Request Packet** to indicate that the submitted request is incomplete and to explain what is needed.

If all the required documents within the **Service Request Packet** are turned in, then the FMS has ten (10) business days from receipt to completely review the request materials. If the **Service Request Packet** is deemed incomplete or if additional information is needed, the FMS will communicate this information to the HHCM/C-YES within the first five (5) business days of the ten (10) total business days that the FMS is given to complete their review. The FMS will make a determination if it will be:

- Authorized- If the VMod request total is within the annual soft cap for Safe Passenger or Safe Driver VMod requests; OR,
- Approved by FMS and submitted to NYSDOH with the approved bid for review for VMod service requests that exceed the annual Safe Passenger soft cap; **OR,**
- Denied. If denied, a Notice of Decision (NOD) will be sent within three (3) business days to the HHCM/C-YES, member/family, and identified VMod provider (if applicable).

13. If the request exceeds the annual soft cap of \$35,000 for the service, the completed FMS approved **Service Request Packet** will be submitted to NYSDOH for review via EModVModAT@health.ny.gov. Within seven (7) business days from receipt of the Service Request Packet, NYSDOH will issue a letter to the FMS supporting the project or a letter of non-compliance with Waiver regulations. The State may also request additional information from the FMS within seven (7) business days of request receipt as needed to complete their review.

If the project is approved by the FMS and does not exceed the annual soft cap for the service, the project does not require additional review by NYSDOH.

14. The FMS will notify the HHCM/C-YES, the individual, and the selected VMod provider of its determination by NOD (Notice of Decision). The FMS will issue a NOD within three (3) business days of receipt of decision from NYSDOH or FMS to the individual and family, the HHCM/C-YES, and the

selected VMod provider, if identified, when they authorize or deny a request for Vehicle Modification(s).

15. The VMod provider will be responsible for the coordination of the project, including the following tasks:
- provide a detailed description of the project including estimated material and labor costs
 - provide detailed expenditures/receipts
 - Ensure compliance with all state and local vehicle regulations and ADA requirements
 - Complete necessary inspections
 - Maintain sufficient insurance and bond requirements
 - Secure licensed personnel, where applicable, to complete the required work
 - Determine the beginning and end dates of the project
 - Ensure the satisfactory completion of the project in accordance with bid specifications
 - Obtain approval of any changes before proceeding if determined that changes/additional work are necessary that will result in a cost difference from the original projected cost; if approval is not received before proceeding, the VMod provider may risk non-payment for such changes

The FMS will request any funding through eMedNY necessary to initiate the project and pay any pre-project evaluations or assessments. The FMS has 30 business days upon receipt of funding from eMedNY to provide initial start-up funding to the contractor or provider and provide any evaluation payments yet unpaid.

16. Prior to releasing the VMod to the family/member for use in transport, a post-evaluation **must** be provided by a VMod evaluator. Ideally, the VMod evaluator who provided the Safe Passenger or Safe Driver/pre-project evaluation would also provide the post-evaluation to ensure that the modifications required were provided as intended.
17. Within seven (7) business days of VMod completion, the HHCM/C-YES must submit a **Final Cost Form** to the FMS that includes a description of the completed VMod, the final cost, and all invoices. A copy of the post-evaluation must be submitted to the FMS as part of the **Final Cost Form** submission.
18. The FMS will electronically date stamp the **Final Cost Form** upon receipt. The FMS will review the **Final Cost Form** within five (5) business days of receipt.
19. The FMS must submit the completed **Final Cost Form** to NYSDOH to reconcile payment and for tracking/reporting purposes. If overage on the final cost of the VMod exceeds 10% of the original requested amount, additional documentation is required.
20. Payment to the VMod provider and evaluator will be made by the FMS within thirty (30) business days of fund receipt from Medicaid claiming. Payment to the VMod provider and evaluator will be made by FMS within 30 business days upon satisfactory review of the Final Cost form and receipt of any final cost funding necessary to complete final payments for the VMod provider and evaluator.

