

POLICY NUMBER: POL-131

Summary of Proposed Amendments

Amendments to the policy, Home Modifications and Special Equipment (POL-131), are proposed to respond to the unique needs of injured workers, particularly those who have experienced catastrophic injuries. The amendments include enhancements and increased flexibility to ensure that eligible injured workers are provided with reasonable, necessary and appropriate home modifications based on their individual circumstances. Additional amendments are proposed to improve the organization and clarity of the policy.

*The proposed amendments are described in the policy document below. New content is **bolded** and content to be deleted is shown with a ~~striketrough~~. An unmarked version of the proposed policy can be found at the end of the document.*

Chapter:
CLAIMS

Subject:
HOME MODIFICATIONS AND SPECIAL EQUIPMENT

Effective Date:
April 27, 2006

Last Update:
~~November 22, 2016~~**DRAFT July 25, 2018**

PURPOSE STATEMENT:

The purpose of this policy is to explain the criteria for authorization of home modifications and special equipment that may be required as a result of a work-related injury.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section 18.

DEFINITION:

POLICY:

General

1. Home modifications refer to structural, electrical, and/or plumbing changes to a residence or surrounding property to ensure safe access to and safe mobility within a residence, and may include, but are not limited to the following:
 - widening of doorways and hallways;
 - expanding or adjusting rooms to accommodate wheelchair maneuvering;
 - accessibility modifications (e.g. ramps, walkways, or hard surface driveways).
2. Special equipment refers to items that improve accessibility to and/or independence within a residence such as, but not limited to, the following:
 - grab bars;
 - stair lifts; and
 - railings.
3. Home modifications and special equipment must be pre-approved by the Workers Compensation Board.
4. Home modifications and special equipment will be considered on a case-by-case basis based on a review of objective medical evidence and recommendations by a Registered Occupational Therapist. **Each case will be considered on its individual merits, including the severity of the injury, the worker's functional abilities and financial feasibility.**

Home Modifications

Eligibility Criteria

5. The Workers Compensation Board will authorize home modifications for workers when all of the following conditions are met:
 - the home modifications are required as a result of a work related injury;
 - the worker has been determined to have functional limitations that are permanent in nature;
 - the worker has an impairment or is awaiting an impairment assessment;
 - the modifications have been recommended by a health care provider;
 - a home assessment, by a Registered Occupational Therapist, confirms the necessity and type of modifications required;

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- there is proof of home ownership and home insurance (including content replacement costs);
- any existing mortgage is in good standing;
- the residence is the worker's primary residence;
- the residence is structurally sound, as confirmed by an independent certified structural engineer; and
- ~~the home modification request has been determined to be financially responsible (as per #8).~~

Home modifications are authorized on a one-time only basis. ~~except under special circumstances, such as the deterioration of the compensable condition or accommodation of alternative living arrangements.~~ **Under special circumstances,** the Workers Compensation Board ~~will~~ **may** consider authorization of additional home modifications, **such as the deterioration of the compensable condition or accommodation of alternative living arrangements** on a case-by-case basis.

Home Appraisal

86. If conditions for major structural home modifications have been met, a home appraisal will be conducted by a certified residential appraiser to determine the current market value ~~of the residence~~ **and financial feasibility** ~~prior to any proposed structural modifications.~~

Home modification estimates must not exceed **what the Workers Compensation Board considers to be reasonable, necessary and appropriate based on a review of the proposed structural modifications.** ~~50% of the appraised market value of the existing structure.~~

Modifications to Existing Structure

97. If conditions for major structural home modifications have been met, the Workers Compensation Board will procure the services of a project manager. The project manager will develop a plan for the proposed modifications in consultation with the worker and the Workers Compensation Board.

Both the worker and the Workers Compensation Board must sign an acceptance of the proposed modification plans.

108. The project manager will monitor the construction to ensure the modifications are

completed as approved. Any changes to the approved modifications, requested by either the project manager or the worker, must be pre-approved by the Workers Compensation Board prior to implementation.

Where a worker wishes to upgrade the modifications approved by the Workers Compensation Board, the worker is responsible for payment of any costs which exceed the original plan and must arrange for payment to be made directly to the contractor.

119. Any additional expenses incurred by the worker during the construction phase of the modifications will be reviewed for reimbursement. These costs may include such things as the cost of alternative accommodation during the modification process and increased electricity or heating costs.

Worker Does Not Own Primary Residence

710. Where a worker does not own the primary residence requiring modification (for example, the worker rents a residence, the worker lives with his/her parents or the ownership of the residence is in the name of the worker's spouse), the Workers Compensation Board may authorize home modifications, when there is written consent from the property owner.

The property owner must provide proof of ownership and must agree that the Workers Compensation Board will not be responsible for future costs related to restoring the residence to pre-modification conditions.

If the property owner does not agree to modifications, the Workers Compensation Board will assist in identifying alternative living arrangements that meet the needs of the worker. **For example, the Workers Compensation Board may move the worker to an appropriate, accessible rental accommodation and cover cost of the move (including any lease penalties at the current rental) and increased rental and utility costs.**

Home Modifications Not Feasible

1211. If it is determined that home modifications to an existing residence are not structurally and/or financially feasible, ~~funding equivalent to the reasonable, necessary and appropriate renovation costs to modify~~ **of the worker's existing residence, including the costs of any special equipment and the purchase of land, may be provided and applied to the purchase or construction of a home which is suitable for the needs of the**

worker.

12. Where the Workers Compensation Board determines that the purchase or construction of an alternate home is the most reasonable option, the worker must contribute an amount equivalent to the current market value of the existing residence, if the worker owns that residence.

~~13. The Workers Compensation Board is not responsible for any fees associated with the purchase or sale of a residence.~~

~~14~~**13.** Prior to the approval and release of funds for the purchase or construction of a new home, the worker must provide the following to the Workers Compensation Board:

- confirmation of the availability of **the workers contribution and** additional funds for the purchase or construction of a new dwelling; and
- a copy of house plans for the new residence or final plans for the construction of the new dwelling.

~~15~~**14.** Funds will only be approved for payment after the Workers Compensation Board approves the house plans as suitable to meet the needs of the worker as a result of the work-related injury.

Maintenance, Repairs, Insurance and Other Costs

~~18~~**15.** The Workers Compensation Board considers home modifications to be permanent **and the property of the worker.** ~~and~~ the worker is responsible for any alterations, including maintenance and repairs to the modifications of the residence.

16. The Workers Compensation Board may pay for additional costs associated with home modifications, purchase or construction, including real estate, legal, property appraisal and relocation costs, and increased costs resulting from the compensable injury, such as electricity, heating, and property taxes.

~~19~~**17.** The Workers Compensation Board is not responsible for ~~the following:~~ general home repairs (e.g. window replacement, roof repairs, etc.) which would be required regardless of the injury. ~~any additional living expenses such as increased property taxes, insurance, electricity, or heating costs incurred as a result of the modification.~~

Special Equipment

Eligibility Criteria

618. The Workers Compensation Board will authorize special equipment for workers when all of the following conditions are met:

- the special equipment is required as a result of a work related injury;
- temporary or permanent assistance is required with activities of daily living;
- the special equipment has been recommended by a health care provider; and
- a home assessment, performed by a Registered Occupational Therapist, confirms the necessity and type of equipment required.

Maintenance, Repairs, and Insurance and Other Costs

1619. The Workers Compensation Board will pay for special equipment that needs to be repaired or replaced over time because of:

- normal wear and tear;
- damage from accidental causes; or
- changes in the physical condition of the worker and fit of the equipment.

The worker must make use of any warranty on the equipment before the Workers Compensation Board will repair or replace the equipment.

1720. Special equipment is the property of the worker and any costs associated with the disposal of the equipment is the responsibility of the worker.

HISTORY:

November 22, 2016 - Amended to clarify entitlement to home modifications and special equipment and to expand the application of this policy from severely injured workers to all workers who satisfy the stated criteria.

February 16, 2011 - The definition of severely injured worker was amended. Because the definition no longer contains the description of "permanent impairment", the criteria was added to the eligibility section in the body of the policy.

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September 30, 2010 - Amended to provide clarity with respect to the disposal of special equipment when it is no longer required by the worker. The name of the policy was changed from “Home Modifications” to “Home Modifications And Special Equipment”.

September 30, 2009 - Amended to clarify what conditions must be met for the Workers Compensation Board to consider home modifications. Also, added that a project manager will be used when providing major structural home modifications.

Board of Directors Approval Date: April 27, 2006

<UNMARKED VERSION OF DRAFT POLICY>

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 - railings.
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4. Home modifications and special equipment will be considered on a case-by-case basis based on a review of objective medical evidence and recommendations by a Registered Occupational Therapist. Each case will be considered on its individual merits, including the severity of the injury, the worker's functional abilities and financial feasibility.

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 - the worker has been determined to have functional limitations that are permanent in nature;
 - the worker has an impairment or is awaiting an impairment assessment;
 - the modifications have been recommended by a health care provider;
 - a home assessment, by a Registered Occupational Therapist, confirms the

- necessity and type of modifications required;
- there is proof of home ownership and home insurance (including content replacement costs);
- any existing mortgage is in good standing;
- the residence is the worker's primary residence;
- the residence is structurally sound, as confirmed by an independent certified structural engineer; and

Home modifications are authorized on a one-time only basis. . Under special circumstances, the Workers Compensation Board may consider authorization of additional home modifications, such as the deterioration of the compensable condition or accommodation of alternative living arrangements on a case-by-case basis.

Home Appraisal

6. If conditions for major structural home modifications have been met, a home appraisal will be conducted by a certified residential appraiser to determine the current market value of the residence and financial feasibility prior to any proposed structural modifications.

Home modification estimates must not exceed what the Workers Compensation Board considers to be reasonable, necessary and appropriate based on a review of the proposed structural modifications.

Modifications to Existing Structure

7. If conditions for major structural home modifications have been met, the Workers Compensation Board will procure the services of a project manager. The project manager will develop a plan for the proposed modifications in consultation with the worker and the Workers Compensation Board.

Both the worker and the Workers Compensation Board must sign an acceptance of the proposed modification plans.

8. The project manager will monitor the construction to ensure the modifications are completed as approved. Any changes to the approved modifications, requested by either the project manager or the worker, must be pre-approved by the Workers Compensation Board prior to implementation.

Where a worker wishes to upgrade the modifications approved by the Workers Compensation Board, the worker is responsible for payment of any costs which exceed the original plan and must arrange for payment to be made directly to the contractor.

9. Any additional expenses incurred by the worker during the construction phase of the modifications will be reviewed for reimbursement. These costs may include such things as the cost of alternative accommodation during the modification process and increased electricity or heating costs.

Worker Does Not Own Primary Residence

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Home Modifications Not Feasible

11. If it is determined that home modifications to an existing residence are not structurally or financially feasible, reasonable, necessary and appropriate costs to modify the worker's existing residence, including the costs of any special equipment and the purchase of land, may be provided and applied to the purchase or construction of a home which is suitable for the needs of the worker.
12. Where the Workers Compensation Board determines that the purchase or construction of an alternate home is the most reasonable option, the worker must contribute an amount equivalent to the current market value of the existing residence, if the worker owns that residence.

13. Prior to the approval and release of funds for the purchase or construction of a new home, the worker must provide the following to the Workers Compensation Board:
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14. Funds will only be approved for payment after the Workers Compensation Board approves the house plans as suitable to meet the needs of the worker as a result of the work-related injury.

Maintenance, Repairs, Insurance and Other Costs

15. The Workers Compensation Board considers home modifications to be permanent and the property of the worker. The worker is responsible for any alterations, including maintenance and repairs to the modifications of the residence.
16. The Workers Compensation Board may pay for additional costs associated with home modifications, purchase or construction, including real estate, legal, property appraisal and relocation costs, and increased costs resulting from the compensable injury, such as electricity, heating, and property taxes.
17. The Workers Compensation Board is not responsible for general home repairs (e.g. window replacement, roof repairs, etc.) which would be required regardless of the injury.

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Eligibility Criteria

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19. The Workers Compensation Board will pay for special equipment that needs to be repaired or replaced over time because of:
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