



Workers' Compensation Home Modification Minn. Stat. 176.137

Minnesota workers' compensation law provides certain permanently injured workers with a benefit for modification of their existing home or, in some cases, a different residence if modification is not feasible.

Recent law changes concerning this benefit:

1. Provides for exceptions...from the requirement that an award to a employee with a permanent disability for home remodeling or construction to accommodate the individual's disability be certified by a *licensed architect*
2. Raises the award limit for remodeling or construction to accommodate an employee's disability from \$60,000 to \$75,000 (*based upon the date of injury*)

The following general information is provided to assist in a general understanding of the Workers' Compensation home remodeling process. Please refer to the entire statute and/or other information provided by the Minnesota Department of Labor and Industry to ensure full compliance with the law.

When does the Home Access Evaluation begin?

Accessibility Design has experience working with permanently injured employees by providing Home Access Evaluations and reports used in support of the employee's claim for this benefit. Our involvement may be initiated during any phase post-injury, as demonstrated by the following scenarios:

<p style="text-align: center;">Scenario 1: Immediately Post Injury</p> <p style="text-align: center;">■</p>	<p style="text-align: center;">Scenario 2: Post Rehabilitation</p> <p style="text-align: center;">■</p>	<p style="text-align: center;">Scenario 3: Post Modification</p> <p style="text-align: center;">■</p>
<p>Following an injury and prior to hospital discharge, essential modifications are needed to allow the injured employee to return to their home.</p> <p>These modifications may include constructing ramps, widening doors, installing grab bars, etc.</p> <p>Focus for modification is on immediate discharge needs related to basic access and safety issues. Modification may also address future anticipated issues.</p>	<p>After rehabilitation has maximized or recovery has leveled off, the discharge evaluation will help determine which permanent modifications (i.e. bathroom remodeling, kitchen remodeling, and access to different levels of the home, etc.) are required.</p> <p>Focus for modification is on maximizing independence and enhancing the injured employee's life and safety.</p>	<p>Prior to being awarded the remodeling benefit, an employee may initiate home modifications, purchase an accessible home, or elect to move forward with a combination of the two.</p> <p>We will work with parties to determine whether the benefit may be awarded retroactively.</p> <p>Focus is on documentation to support that completed modifications were necessary.</p>

Effective May 28, 2011 the maximum benefit is \$75,000.
Injuries as of October 1, 1992 are limited to \$60,000.
Injuries prior to October 1, 1992 are limited to \$30,000.

What needs to be included in a Request for Certification of Award?

In all situations, the following documentation must be included in a "Home Access Evaluation Report" or a "Request for Certification of Award":

- Date of injury
- Description of the injury and how it affects mobility
- Documentation of permanent total disability
- Identification of barriers in the existing (or previous) home
- Recommended modifications or proposed access solutions and how the modifications will allow the employee to move "move freely into and throughout the residence and to otherwise adequately accommodate the disability"...this *may include a floor plan (drawing) of the existing situation and the proposed situation*
- Cost of the proposed access solutions and documentation supporting the itemized costs are "prevailing costs in the community" for this type of remodeling or alteration
- Certification of a state registered architect, building official or certified accessibility specialist to oversee access solutions
- A letter indicating whether or not the proposed modifications are preauthorized by the employer/insurer

Who can assist with the Home Access Evaluation process?

Oftentimes, residential accessibility specialists, such as Accessibility Design, are hired to assist the employee in determining what modifications are needed and how to communicate those needs. The accessibility specialist can help with:

- Conducting a home access site visit
- Gathering required medical and rehabilitation information
- Project management and collaboration with "Key Players"

*Injured Employee
Family Members
Case Manager
Caregivers
QRC*

*Medical Rehabilitation Team
Physicians
Insurance Companies
Attorneys*

*Minnesota State Council on Disability
Workers' Compensation Reinsurance Association
Department of Labor and Industry
Contractors / Builders
Product Vendors*

- Coordinating design, product recommendation, and construction drawings (as needed)
- Obtaining cost estimates and contractor bids
- Producing and submitting a "Request for the Certification of Award" ("Home Access Evaluation Report") with supporting documentation

Costs incurred for these services are now included as part of the benefit limit, payable by the employer/insurer. Should any party (i.e. family member) associated with the employee elect to pay out-of-pocket for these services up front, they are responsible for seeking reimbursement from the employer/insurer.

Who receives and reviews the Request for Certification of Award?

The above documentation must be submitted to the Minnesota State Council on Disability for review before being submitted to the Department of Labor and Industry. Once reviewed, the Council on Disability will forward the request to the appropriate person at the Department of Labor and Industry depending on whether or not the request is disputed by the employer/insurer.

Once the benefit is awarded....

After the injured employee is awarded compensation, Accessibility Design is available to assist during the construction phase, until project completion with:

- Project Management
- Construction Site Visits
- Incompletion Contractor Checklist
- Post Occupancy Education
- Project Completion Documentation and Reports