



COMMISSIONER
Adelaide Horn

April 5, 2007

To: Community Living Assistance and Support Services (CLASS)
Case Management Agencies (CMAs) and Direct Services Agencies (DSAs)
Deaf-Blind with Multiple Disabilities (DBMD) Program Providers

Subject: Information Letter 07-20
Adaptive Aid and Minor Home Modification Use of Non-waiver Resources and Bid Process

The purpose of this information letter is to emphasize two CLASS and DBMD requirements concerning the purchase of adaptive aids or minor home modifications using waiver program funds. The first requirement relates to assuring that non-waiver resources a participant may be eligible for are used or determined to be unavailable before an adaptive aid or minor home modification is purchased with waiver program funds. The second requirement relates to the provider's responsibility to obtain and retain bids for adaptive aids and minor home modifications that are purchased with waiver program funds.

Adaptive aids and minor home modifications may be purchased under the waiver program only if there are no other resources available to provide the aid or modification. Case managers must assist a program participant to submit a correctly completed request for an adaptive aid or minor home modification to all non-waiver resources for which a participant may be eligible. Examples of non-waiver resources include the Texas Health Steps Program, Department of Assistive and Rehabilitative Services (DARS), the Texas Medicaid Home Health Services, Medicare, and private insurance. The case manager must maintain documentation in the participant's record that non-waiver resources are not available. Examples of documentation include a denial of benefits from Texas Medical Healthcare Partnership or DARS. For more information, refer to the CLASS Handbook, section 4310, Non-Waiver Resources and section 4312, Medicare and Medicaid Services or the DBMD Handbook, section 3240, Case Manager, and sections 8220 and 8320 Medical Supplies and List of Adaptive Aids.

Prior to procuring an adaptive aid, the provider must obtain three written bids, unless an aid will cost less than \$500.00. If the aid will cost less than \$500.00, the program provider may:

- use price lists from a minimum of three suppliers to document prices of the adaptive aid instead of obtaining three written bids; or
- annually select a supplier based on a minimum of three suppliers' price lists that indicate the cost of the majority of the adaptive aids purchased from the selected supplier are the lowest of the three suppliers or the provider must document the basis for selection of the supplier when the lowest price list is not used.

Program providers must retain documentation of bids that are obtained, price lists, and, if applicable, the basis for the annual selection of a supplier for the majority of adaptive aids.

Prior to procuring a minor home modification that will cost over \$1000, the provider must obtain three written bids in accordance with the CLASS Program rules (Texas Administrative Code §45.319) or the DBMD Handbook, Section 8640. The program provider must document the reason for selection of a bidder when that bidder did not provide the lowest bid including completion time of modification, record of quality service, timely response to repair requests, and warranties.

If a program provider is unable to obtain three written bids, the provider must maintain documentation of its efforts to obtain the three bids and the reasons why the efforts were unsuccessful.

If you have any questions about this notice, CLASS providers may contact Carolyn Fleming at (512) 438-3078 and DBMD providers may contact Carol Griebel at (512) 438-2622.

Sincerely,

[signature on file]

Scott Schalchlin, M.Ed., J.D.
Director
Community Services

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c: CLASS Direct Services Agencies