

Published on *VirginiaNavigator* (<https://virginiannavigator.org>)

Alternatives to Nursing Homes

Are there options to nursing home care if I would rather stay in my home, but need help to do that?

Yes. Many older people or individuals with disabilities would rather stay in their own homes if they can get the help they need to do so safely and comfortably. So a number of alternatives to nursing home care have developed in recent years. A few of these options are described briefly below.

Intake/ Case Management Services. Virginia is starting a "No Wrong Door" program. This is a coordinated system of intake using available computer technology. When fully running, this system will help people understand all their options and match them to the services they need. The person would not have to apply separately for each program. If you want to know more about Virginia's No Wrong Door program, visit <https://www.nowrongdoorvirginia.org>.

PACE: Some parts of the state have a PACE ("Program for All-Inclusive Care for the Elderly") program for people over 55 who meet nursing home admission criteria but who want to live at home. PACE involves an interdisciplinary team that decides what services the individual needs and provides all the necessary services along with case management. The PACE program has allowed many seniors to age in place in their homes. PACE is already active in the Tidewater area and is beginning in the Lynchburg, Hampton Roads, Southwest Virginia and Richmond metropolitan areas. If you'd like to know more about Virginia's PACE program, visit the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov>.

Family Caregiver Support: Sometimes a family could care for an elderly loved one at home if the family had some support. *Respite care* (to care for the loved one while the primary caregiver is at work or to allow a caregiver to get away for a vacation or break) is one form of caregiver support. There are also *adult day services*, which provide activities, meals, and socialization during the day for an elderly person living alone or an elderly person whose caregiver works.

Accessible and Affordable Housing: A disabled person may be able to stay in the community if he/she can find housing that is both accessible and affordable. Public Housing Authorities (PHAs) are required to encourage owners with accessible units to participate in the housing choice voucher program. Some PHAs give preferences to persons with disabilities. There are some special purpose vouchers designed specifically for disabled persons or families. To find out about these special purpose vouchers for disabled persons, contact your local public housing authority. To find out about accessible housing in your locality, check the state online housing registry at www.accessva.org.

Home Modifications: Some federally assisted housing facilities are subject to § 504 of the Rehabilitation Act of 1973 and must make certain physical modifications to the apartment or house, at the landlord's expense, if the modification is necessary for the disabled tenant to effectively use the program. Other private owners participating in the housing choice voucher program or other tenant-based programs are subject to the Fair Housing Act, which requires a landlord to allow a disabled tenant to make reasonable modifications to the rental unit, but the tenant must pay for them. The tenant may have to return the unit to its original condition when he moves out if the modification he made would interfere with the next resident's full enjoyment of the unit.

Grants to modify rental units or homes to make them accessible for persons with disabilities may be available through the Virginia Housing Development Authority (VHDA) or through the Department of Housing and Community Development (DHCD). For more information about VHDA, click on this link for [Rental Information](#) and for more information about DHCD, click on this link: <https://dhcd.virginia.gov>.

Reasonable Accommodation: Sometimes the only thing a disabled person needs in order to stay in the community in independent living is an exception or adjustment to a rule or policy required by the landlord. Under the Fair Housing Act, a landlord is required to make a 'reasonable accommodation' in a rule, policy or service when that is necessary to allow the person with the disability equal opportunity to use and enjoy the dwelling. The tenant has to request an accommodation, show that he has a disability, and show that the accommodation is necessary to allow him an equal opportunity to use and enjoy the unit. Once the tenant does this, the landlord must agree to the accommodation unless the landlord can show that allowing the accommodation would impose an 'undue burden' or would 'fundamentally alter' the landlord's operations. For example, if a tenant with a

mobility impairment asked the landlord to take him to the grocery store and help with his grocery shopping and the landlord did not provide any transportation or shopping services for his other tenants, this request might be considered a fundamental alteration of the landlord's operations so that it would not be 'reasonable.'

On the other hand, some types of accommodations which have been found to be reasonable include: an assigned accessible parking space for a resident with a mobility impairment; allowing a deaf tenant to have an assistance animal despite the normal 'no pets' policy; transfer to a first floor accessible unit for someone with a degenerative spinal disease making it difficult for her to climb steps; allowing exception rent (a higher payment standard) to enable a disabled tenant to obtain a unit that meets her particular needs; allowing a live-in aide if one is necessary to the care and well-being of the disabled family member and the aide is not legally required to support the disabled person and would not be living in the unit except to provide supportive services; allowing the disabled person to rent a unit owned by a relative (normally a voucher holder cannot rent from a close relative).

Home and Community-Based Waivers under Medicaid: There are a number of home and community-based waiver programs, covered by Medicaid, for those who qualify financially and who meet nursing home admission criteria (that is, they have medical nursing needs and they have functional limitations in several activities of daily living ('ADLs'), such as eating, bathing, dressing, toileting, etc.). With a waiver, a person could have an aide come into the home daily to provide personal care services to help with the ADLs, or could go to an adult day care program during the day, or could receive respite care when the caregiver is away. Other services are available under some of the waivers. The person must be eligible for Medicaid, but the income rules are more generous for waivers than for 'regular' Medicaid. An applicant must also be screened to see if he or she meets the nursing home admission criteria. To apply and be screened, you should contact the local Department of Social Services.

If eligible, part of the disabled person's monthly income may have to be used to pay for the care and then Medicaid will pay the difference. The amount depends on the specific waiver program. For the elderly and disabled waiver, as of January 2015, the disabled person can keep \$1,209 of her own income each month for other expenses (called the 'personal maintenance allowance'). Normally, any income over this amount must be used to pay for the cost of care. Community-based waivers are an

important tool for disabled persons who want to stay in their homes. For more information about these community-based waivers covered by Medicaid, click on the DMAS website: <https://www.dmas.virginia.gov/#/longtermwaivers>.

The Right to Age in Place: There have been a number of lawsuits to enforce the Fair Housing Act by challenging restrictions some retirement communities have placed on the use of assistive devices, such as wheelchairs or motorized carts, and by challenging 'independent living requirements.' Most of these challenges have been successful. They have interpreted the Fair Housing Act's ban on handicap discrimination to prevent housing providers from requiring tenants to be capable of independent living and from forcing tenants to move to a higher level of care whenever the facility decides that the tenant can no longer live independently. In one case, an 80-year-old resident of a continuing care retirement community ("CCRC") who had ALS or Lou Gehrig's Disease sued when the retirement community tried to force her to move to the nursing home level of care. The CCRC had a policy that prohibited the long-term use of personal care attendants in its apartments and which gave management the authority to decide on its own where residents should live (whether in independent living, assisted living, or nursing home level of care). The resident had hired personal care assistants at her own expense and had never asked the CCRC to provide her any additional services. Although the case settled without a court decision, the facility agreed to allow future residents to use personal care assistants and assistive devices. Other cases have found that "ability to live independently" eligibility requirements violate federal law. In one case, the court decided that, as long as an applicant can meet the objective requirements of being a tenant, he should not be denied housing simply because he needs medical or other assistance to meet those requirements.

Assisted Living Facilities: An assisted living facility is a primarily residential setting that offers some supportive services for people who are able to live fairly independently but need some assistance with medications, activities of daily living, or meals. An assisted living facility is not primarily medical (it may or may not have professional nursing staff) and it provides less intensive nursing and medical support services than a nursing home. It may be a good option for someone who may not be safe or comfortable living alone, even with in-home services, but who does not yet need nursing home care.

Other Services: In addition to the specific alternatives to nursing home care set out above, there are a number of services that may help an individual stay in her

home. Such services include Home delivered meals, a program that delivers prepared meals to the homes of home-bound disabled persons; companion or chore services; Personal Emergency Response System electronic devices for help should the person fall or have a medical emergency. If you or your loved one would like to explore what services are available in your locality, you should contact your local area agency on aging or the department of social services. To find the area agency on aging for your locality, click on this link: <https://vda.virginia.gov/aaamap.htm>. To find the local department of social services, click on this link for the Virginia Department of Social Services: <https://www.dss.virginia.gov/localagency/index.cgi>.

Author: Kathy Pryor is a staff attorney at The Virginia Poverty Law Center, concentrating on elder law, and is president of the Virginia Elder Rights Coalition.

Article Source

Virginia Poverty Law Center

Source URL

<https://vpplc.org>

Last Reviewed

Tuesday, September 28, 2021