

services to an individual in a State residential center for each fiscal year, or part of a fiscal year, that the individual is no longer served in a State residential center and is provided community-based services as defined in paragraph (2) of this subsection.

(2) In determining funding for the Waiting List Equity Fund, the cost of providing services to an individual in a State residential center shall be calculated by:

(i) Dividing the State residential center's appropriation by the daily average census reported in the State residential center's annual operating budget for the last full fiscal year the individual was served in the State residential center prorated over the number of months the individual is served in the community; and

(ii) Subtracting the following:

1. The average annual itemized expenses associated with institutional services and administrative overhead costs that are demonstrated to be directly attributable to serving individuals remaining in the State residential center;

2. The cost for new admissions certified in accordance with the provisions of §§ 7-502 and 7-503 of this title;

3. The cost for respite care in accordance with § 7-509 of this title;

4. The cost for court-ordered commitments; and

5. Reimbursable federal revenues under TEFRA attributable to direct client costs.

(e) (1) (i) The Department shall adopt regulations for the management and use of the money in the Fund.

(ii) The regulations shall authorize the use of money in the Fund to provide services to individuals:

1. Who are in crisis and need emergency services; and

2. Who are not in crisis and do not need emergency services.

(2) The Waiting List Equity Fund may not be used to supplant funds appropriated for:

(i) Emergency community placements; or

(ii) Transitioning students.

(f) (1) On or before January 1 of each year the Secretary shall prepare a report to be submitted to the General Assembly and the Department of Fiscal Services on the Waiting List Equity Fund.

(2) The report shall include:

(i) An accounting of all receipts and expenditures to and from the Fund;