

(8) "INTERMEDIATE LEVEL OF CARE", FOR PURPOSES OF PARAGRAPH (10)(II) OF THIS SUBSECTION, INCLUDES HEALTH RELATED CARE AND SERVICES PROVIDED TO INDIVIDUALS WHO DO NOT REQUIRE HOSPITAL OR A SKILLED LEVEL OF NURSING FACILITY CARE BUT WHOSE MENTAL, PHYSICAL, FUNCTIONAL, OR COGNITIVE CONDITION REQUIRES HEALTH SERVICES THAT:

(I) ARE ABOVE THE LEVEL OF ROOM AND BOARD;

(II) ARE PROVIDED ON A REGULAR BASIS; AND

(III) CAN BE MADE AVAILABLE TO THE INDIVIDUALS THROUGH INSTITUTIONAL FACILITIES.

~~(11)~~ (9) "MEDICALLY AND FUNCTIONALLY IMPAIRED" MEANS AN INDIVIDUAL WHO IS ASSESSED BY THE DEPARTMENT TO REQUIRE FACILITY SERVICES SERVICES PROVIDED BY A NURSING FACILITY AS DEFINED IN THIS SECTION, AND WHO, BUT FOR THE RECEIPT OF THESE SERVICES, WOULD REQUIRE INSTITUTIONALIZATION ADMISSION TO A NURSING FACILITY WITHIN 30 DAYS.

(10) (I) "NURSING FACILITY" MEANS A FACILITY THAT PROVIDES SKILLED NURSING CARE AND RELATED SERVICES, REHABILITATION SERVICES, AND HEALTH RELATED CARE AND SERVICES ABOVE THE LEVEL OF ROOM AND BOARD NEEDED ON A REGULAR BASIS IN ACCORDANCE WITH § 1919 OF THE FEDERAL SOCIAL SECURITY ACT.

(II) "NURSING FACILITY" INCLUDES A FACILITY THAT PROVIDES SERVICES TO INDIVIDUALS CERTIFIED AS REQUIRING AN INTERMEDIATE LEVEL OF CARE.

~~(12)~~ (11) "PERSONAL CARE SERVICES" MEANS THOSE SERVICES AS DEFINED IN ACCORDANCE WITH 42 C.F.R. 440.167 AND IN REGULATIONS ADOPTED BY THE DEPARTMENT.

~~(13) "RESIDENTIAL SERVICES AGENCIES" MEANS THOSE SERVICE AGENCIES AS DEFINED IN REGULATIONS ADOPTED BY THE DEPARTMENT.~~

~~(14)~~ (12) "RESPITE CARE SERVICES" HAS THE MEANING STATED IN REGULATIONS ADOPTED BY THE DEPARTMENT AND INCLUDES THOSE SERVICES PROVIDED TO INDIVIDUALS UNABLE TO CARE FOR THEMSELVES FURNISHED ON A SHORT-TERM BASIS BECAUSE OF THE ABSENCE OR NEED FOR RELIEF OF THOSE PERSONS NORMALLY PROVIDING THE CARE.

~~(15)~~ (13) "WAIVER" MEANS A HOME AND COMMUNITY BASED SERVICES WAIVER UNDER § 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT, SUBMITTED BY THE DEPARTMENT TO THE HEALTH CARE FINANCING ADMINISTRATION, AS REQUIRED BY SUBSECTIONS (B) AND (C) OF THIS SECTION.

~~(16)~~ (14) "WAIVER SERVICES" MEANS THE SERVICES COVERED UNDER AN APPROVED WAIVER THAT: