

(I) ARE NEEDED AND CHOSEN BY AN ELIGIBLE WAIVER PARTICIPANT AS AN ALTERNATIVE TO ~~INSTITUTIONALIZATION~~ ADMISSION TO OR CONTINUED STAY IN A NURSING FACILITY; AND

(II) ARE PART OF A PLAN OF CARE APPROVED BY THE PROGRAM;

~~(III)~~ (III) ASSURE THE WAIVER PARTICIPANT'S HEALTH AND SAFETY IN THE COMMUNITY; AND

~~(IV)~~ (IV) COST NO MORE PER CAPITA TO RECEIVE SERVICES IN THE COMMUNITY THAN IN ~~AN INSTITUTIONAL SETTING~~ A NURSING FACILITY.

(B) ON OR BEFORE AUGUST 1, 1999, THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE FINANCING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR AN AMENDMENT TO THE EXISTING HOME AND COMMUNITY BASED SERVICES WAIVER (CONTROL NUMBER 0265.90) UNDER § 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT TO RECEIVE FEDERAL MATCHING FUNDS FOR WAIVER SERVICES RECEIVED BY ELIGIBLE MEDICALLY AND FUNCTIONALLY IMPAIRED INDIVIDUALS PARTICIPATING IN THE WAIVER.

(C) THE DEPARTMENT'S WAIVER APPLICATION SHALL INCLUDE THE FOLLOWING:

(1) AN INITIAL CAP ON WAIVER PARTICIPATION AT 7,500 INDIVIDUALS; ~~INCLUDING NO LESS THAN 2,500 ASSISTED LIVING PROGRAM BEDS, 20% OF WHICH SHALL BE RESERVED FOR BEDS IN NURSING HOMES THAT HAVE BEEN CONVERTED TO ASSISTED LIVING BEDS;~~

(2) A LIMIT ON ANNUAL WAIVER PARTICIPATION BASED ON STATE GENERAL FUND SUPPORT AS PROVIDED IN THE BUDGET BILL;

~~(3)~~ (3) ELIMINATION OF THE CURRENT REQUIREMENTS THAT WAIVER APPLICANTS BE AT LEAST 62 YEARS OLD AND BE ELIGIBLE FOR OR ALREADY RECEIVE A SUBSIDY FOR THE SENIOR ASSISTED HOUSING PROGRAM;

~~(4)~~ (4) FINANCIAL ELIGIBILITY CRITERIA WHICH INCLUDE:

(I) THE CURRENT FEDERAL AND STATE MEDICAL ASSISTANCE LONG-TERM CARE RULES FOR USING ~~FACILITY SERVICES~~ SERVICES PROVIDED BY A NURSING FACILITY, PER §§ 1902, 1919, AND 1924 OF THE FEDERAL SOCIAL SECURITY ACT, AND APPLICABLE REGULATIONS ADOPTED BY THE DEPARTMENT;

(II) MEDICALLY NEEDY INDIVIDUALS USING ~~FACILITY SERVICES~~ SERVICES PROVIDED BY A NURSING FACILITY UNDER THE CURRENT FEDERAL AND STATE MEDICAL ASSISTANCE ELIGIBILITY CRITERIA GOVERNED BY REGULATIONS ADOPTED BY THE DEPARTMENT AND § 1919 OF THE FEDERAL SOCIAL SECURITY ACT;

(III) CATEGORICALLY NEEDY INDIVIDUALS WITH INCOME UP TO 300% OF THE APPLICABLE PAYMENT RATE FOR SUPPLEMENTAL SECURITY INCOME; AND

~~(4)~~ (5) WAIVER SERVICES THAT INCLUDE AT LEAST THE FOLLOWING: