

~~(2) "ELIGIBLE INDIVIDUAL" INCLUDES AN INDIVIDUAL WITH A COGNITIVE, SENSORY, OR PHYSICAL DISABILITY WHO:~~

~~(I) HAS A FUNCTIONAL NEED THAT LIMITS THE INDIVIDUAL'S ABILITY TO PERFORM ONE OR MORE ACTIVITIES OF DAILY LIVING;~~

~~(II) REQUIRES SUBSTANTIAL SUPERVISION OR EPISODIC OR SHORT-TERM CRISIS ASSISTANCE; OR~~

~~(III) NEEDS ASSISTANCE WITH THE PERFORMANCE OF HEALTH-RELATED TASKS.~~

(H) "FUNCTIONAL NEED" MEANS THE NEED FOR PERSONAL ASSISTANCE BASED ON ABILITIES AND LIMITATIONS OF THE CONSUMER, REGARDLESS OF MEDICAL DIAGNOSIS OR OTHER CATEGORY OF DISABILITY.

(I) "INSTITUTION" MEANS AN ESTABLISHMENT THAT, IN SINGLE OR MULTIPLE FACILITIES, FURNISHES FOOD, SHELTER, AND SOME TREATMENT SERVICES TO FOUR OR MORE PERSONS UNRELATED TO THE PROPRIETOR.

~~(J) (J) "NURSING HOME TRANSITION GRANT" MEANS THE GRANTS AVAILABLE TO STATES THROUGH THE HEALTH CARE FINANCING ADMINISTRATION, AS INCLUDED IN THE FEDERAL BUDGET TO ALLOW STATES TO IDENTIFY WAYS TO GET OR KEEP PEOPLE WITH DISABILITIES OUT OF NURSING HOMES.~~

~~(K) (K) (K) "OTHER SERVICE OPTIONS" MEANS METHODS OTHER THAN AN AGENCY-PROVIDER MODEL, AND MAY INCLUDE THE USE OF A FISCAL AGENT TO ASSIST IN OBTAINING SERVICES.~~

~~(2) "OTHER SERVICE OPTIONS" INCLUDES VOUCHERS, DIRECT CASH PAYMENTS, OR USE OF A FISCAL AGENT TO ASSIST IN OBTAINING SERVICES.~~

~~(L) (L) "PERSONAL ASSISTANT" MEANS THE INDIVIDUAL WHO DIRECTLY PROVIDES ATTENDANT SERVICES AND SUPPORTS.~~

~~(M) (M) "PROGRAM" MEANS THE COMMUNITY-BASED ATTENDANT CARE PROGRAM, THE COMMUNITY AND ATTENDANT SERVICES AND SUPPORT PROGRAM, PROGRAM.~~

~~(N) (N) "REPRESENTATIVE" MEANS A PARENT, FAMILY MEMBER, GUARDIAN, ADVOCATE, OR AUTHORIZED REPRESENTATIVE OF AN ELIGIBLE INDIVIDUAL.~~

6-7A-02.

(A) SUBJECT TO FUNDING IN THE STATE BUDGET, THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL DEVELOP AND ADMINISTER A COMPREHENSIVE PROGRAM OF HOME AND COMMUNITY ATTENDANT SERVICES AND SUPPORTS THAT PROVIDE PROVIDES ATTENDANT SERVICES AND SUPPORTS TO AN INDIVIDUAL WITH DISABILITIES RESIDING IN A NURSING HOME OR AT RISK OF PLACEMENT IN A NURSING HOME WHO CAN RETURN OR REMAIN IN A HOME OR COMMUNITY-BASED SETTING WHO WILL BE DISCHARGED OR DIVERTED FROM A NURSING FACILITY WITH THE