

PROVISION OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS THROUGH A MEDICAID HOME AND COMMUNITY SERVICES BASED WAIVER.

(B) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE WITH SIGNIFICANT CONSUMER PARTICIPATION AND INVOLVEMENT.

~~(C) THE DEPARTMENT SHALL SEEK INPUT FROM ELIGIBLE INDIVIDUALS, THE INDIVIDUALS' REPRESENTATIVES, AND SERVICE PROVIDERS RELATING TO THE PROGRAM. ESTABLISH A PLANNING AND OVERSIGHT COMMITTEE TO INCLUDE ELIGIBLE INDIVIDUALS, THE INDIVIDUALS' REPRESENTATIVES, AND AGENCY SERVICE PROVIDERS TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF ALL ASPECTS OF A COMPREHENSIVE PROGRAM OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS, INCLUDING PROGRAM STANDARDS, THE ELICIBILITY DETERMINATION INSTRUMENT AND PROTOCOL, AND QUALITY ASSURANCE PROGRAM.~~

(D) (1) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL AMEND THE EXISTING WAIVER FOR ADULTS WITH PHYSICAL DISABILITIES TO INCLUDE INDIVIDUALS WITH INCOMES AT OR BELOW 300% OF SUPPLEMENTAL SECURITY INCOME. DETERMINE CO-PAYMENTS AND COST SHARING FOR A CONSUMER WHO HAS AN ADJUSTED GROSS INCOME THAT EXCEEDS 225% OF THE FEDERAL POVERTY LEVEL.

~~(2) THE DEPARTMENT SHALL GIVE PRIORITY TO SERVING A CONSUMER WHO HAS AN INCOME AT OR BELOW 225% OF THE FEDERAL POVERTY LEVEL.~~

~~(3) NOTWITHSTANDING THE PROVISION OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY NOT STRUCTURE THE CO-PAYMENT AND COST SHARING REQUIREMENTS TO BE A DISINCENTIVE TO EMPLOYMENT.~~

6-7A-03.

(A) TO THE EXTENT POSSIBLE, AN ELIGIBLE INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM MAY SELECT, MANAGE, AND CONTROL THE INDIVIDUAL'S COMMUNITY ATTENDANT SERVICES AND SUPPORTS.

(B) (1) ATTENDANT SERVICES AND SUPPORTS SHALL BE PROVIDED IN A CONSUMER'S HOME OR OTHER INDEPENDENT OR SUPPORTED LIVING ENVIRONMENT, INCLUDING BUT NOT LIMITED TO SCHOOL, WORK, RECREATIONAL, AND RELIGIOUS SETTINGS.

(2) ATTENDANT SERVICES AND SUPPORTS MAY NOT BE PROVIDED IN A NURSING FACILITY, INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED, OR OTHER LARGE CONGREGATE SETTING INSTITUTION.

(C) A CONSUMER RECEIVING SERVICES AND SUPPORTS UNDER THIS PROGRAM SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE IF THE CONSUMER:

(1) WOULD BE ELIGIBLE FOR MEDICAL ASSISTANCE IN A MEDICAL INSTITUTION OR NURSING HOME; AND