

circumstances; providing that nothing in this Act is intended to result in a certain reduction of federal funds; requiring the Department, on or before a certain date, to notify certain nursing home residents about the opportunity to apply for participation in a certain waiver; requiring the Secretary of Health and Mental Hygiene to submit a certain annual report to the General Assembly and the Department of Legislative Services; and generally relating to access to home- and community-based waiver services.

BY adding to

Article - Health - General

Section 15-136

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Health - General**

15-136.

~~(A) THERE IS A CONTINUING, NONLAPSING MONEY FOLLOWS THE INDIVIDUAL FUND.~~

~~(B) THE PURPOSE OF THE MONEY FOLLOWS THE INDIVIDUAL FUND IS TO ENSURE THAT WHEN AN INDIVIDUAL LEAVES A NURSING FACILITY UNDER A HOME AND COMMUNITY BASED SERVICES WAIVER, THE NET AVERAGE COST OF SERVING THE INDIVIDUAL IN THE NURSING FACILITY FOLLOWS THE INDIVIDUAL TO THE HOME OR COMMUNITY BASED SERVICE TO COVER THE COSTS OF THE INDIVIDUAL'S CARE.~~

~~(C) SUBJECT TO THE APPROPRIATIONS PROCESS, THE DEPARTMENT SHALL USE THE MONEY FOLLOWS THE INDIVIDUAL FUND TO PROVIDE HOME AND COMMUNITY BASED SERVICES TO INDIVIDUALS WHO ARE RELOCATED FROM FACILITIES UNDER A HOME AND COMMUNITY BASED SERVICES WAIVER.~~

~~(D) SUBJECT TO THE APPROPRIATIONS PROCESS, THE MONEY FOLLOWS THE INDIVIDUAL FUND SHALL CONSIST OF FUNDS THAT ARE EQUAL TO THE NET AVERAGE COST OF PROVIDING SERVICES TO AN INDIVIDUAL IN A NURSING FACILITY FOR EACH FISCAL YEAR, OR PART OF A FISCAL YEAR, THAT THE INDIVIDUAL IS NO LONGER SERVED IN A NURSING FACILITY AND IS PROVIDED HOME OR COMMUNITY BASED SERVICES.~~

~~(E) BY DECEMBER 1, 2003, THE DEPARTMENT SHALL ADOPT REGULATIONS:~~

~~(1) ESTABLISHING A PROCESS FOR DETERMINING THE NET AVERAGE COST OF SERVING AN INDIVIDUAL IN A NURSING FACILITY; AND~~

~~(2) FOR THE MANAGEMENT AND USE OF MONEY IN THE MONEY FOLLOWS THE INDIVIDUAL FUND.~~

~~(F) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY SHALL~~