

~~PREPARE A REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY AND THE DEPARTMENT OF LEGISLATIVE SERVICES ON THE MONEY FOLLOWS THE INDIVIDUAL FUND.~~

~~(C) ANY UNSPENT PORTIONS OF THE MONEY FOLLOWS THE INDIVIDUAL FUND AND ANY INTEREST EARNED ON MONEY IN THE MONEY FOLLOWS THE INDIVIDUAL FUND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE MONEY FOLLOWS THE INDIVIDUAL FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.~~

(A) THE DEPARTMENT MAY NOT DENY AN INDIVIDUAL ACCESS TO A HOME- AND COMMUNITY-BASED SERVICES WAIVER DUE TO A LACK OF FUNDING FOR WAIVER SERVICES IF:

(1) THE INDIVIDUAL IS LIVING IN A NURSING HOME AT THE TIME OF THE APPLICATION FOR WAIVER SERVICES;

(2) THE NURSING HOME SERVICES FOR THE INDIVIDUAL WERE PAID BY THE PROGRAM FOR AT LEAST 30 CONSECUTIVE DAYS IMMEDIATELY PRIOR TO THE APPLICATION;

(3) THE INDIVIDUAL MEETS ALL OF THE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOME- AND COMMUNITY-BASED SERVICES WAIVER; AND

(4) THE HOME- AND COMMUNITY-BASED SERVICES PROVIDED TO THE INDIVIDUAL WOULD QUALIFY FOR FEDERAL MATCHING FUNDS.

(B) NOTHING IN THIS SECTION IS INTENDED TO RESULT IN A REDUCTION OF FEDERAL FUNDS AVAILABLE TO THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1, 2003, the Department of Health and Mental Hygiene shall notify all nursing home residents whose nursing home services were paid for by the Maryland Medical Assistance Program for at least 30 consecutive days prior to the application for home- and community-based services about the opportunity to apply for participation in a home- and community-based services waiver.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before January 1 of each year, the Secretary of Health and Mental Hygiene shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, and to the Department of Legislative Services on:

(1) State efforts to promote home- and community-based services under this Act; and

(2) the number of individuals who have transitioned from nursing homes to home- and community-based waiver services.

SECTION 2. 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2003.

Approved May 13, 2003.