

~~(3) "SEVERE COGNITIVE IMPAIRMENT" MEANS A LOSS OR DETERIORATION IN AN INDIVIDUAL'S INTELLECTUAL CAPACITY THAT IS:~~

~~(I) COMPARABLE TO AND INCLUDES ALZHEIMER'S DISEASE AND SIMILAR FORMS OF IRREVERSIBLE DEMENTIA; AND~~

~~(II) MEASURED BY CLINICAL EVIDENCE AND STANDARDIZED TESTS THAT RELIABLY MEASURE IMPAIRMENT IN AN INDIVIDUAL'S:~~

- ~~1. SHORT TERM OR LONG TERM MEMORY;~~
- ~~2. ORIENTATION AS TO PEOPLE, PLACES, AND TIME; AND~~
- ~~3. DEDUCTIVE OR ABSTRACT REASONING.~~

~~(4) "STANDBY ASSISTANCE" MEANS THE PRESENCE OF ANOTHER PERSON WITHIN ARM'S REACH OF AN INDIVIDUAL THAT IS NECESSARY TO PREVENT, BY PHYSICAL INTERVENTION, INJURY TO THE INDIVIDUAL WHILE THE INDIVIDUAL IS PERFORMING AN ACTIVITY OF DAILY LIVING.~~

~~(5) (I) "SUBSTANTIAL SUPERVISION" MEANS CONTINUAL SUPERVISION BY ANOTHER PERSON THAT IS NECESSARY TO PROTECT AN INDIVIDUAL WITH SEVERE COGNITIVE IMPAIRMENT FROM THREATS TO HEALTH OR SAFETY.~~

~~(II) "SUBSTANTIAL SUPERVISION" INCLUDES CUING BY VERBAL PROMPTING, GESTURING, OR OTHER DEMONSTRATIONS OR 24 HOUR SUPERVISION.~~

~~(B) AN INDIVIDUAL SHALL BE DETERMINED MEDICALLY ELIGIBLE TO RECEIVE NURSING FACILITY SERVICES UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM IF THE INDIVIDUAL REQUIRES:~~

- ~~(1) SKILLED NURSING FACILITY CARE OR OTHER RELATED SERVICES;~~
- ~~(2) REHABILITATION SERVICES; OR~~

~~(3) HEALTH RELATED SERVICES ABOVE THE LEVEL OF ROOM AND BOARD THAT ARE AVAILABLE ONLY THROUGH INSTITUTIONAL FACILITIES INCLUDING, BUT NOT LIMITED TO, INDIVIDUALS WHO EITHER BECAUSE OF SEVERE COGNITIVE IMPAIRMENTS OR OTHER CONDITIONS:~~

~~(I) 1. ARE CURRENTLY UNABLE TO PERFORM AT LEAST TWO ACTIVITIES OF DAILY LIVING WITHOUT HANDS ON ASSISTANCE OR STANDBY ASSISTANCE FROM ANOTHER INDIVIDUAL; AND~~

~~2. HAVE BEEN OR WILL BE UNABLE TO PERFORM AT LEAST TWO ACTIVITIES OF DAILY LIVING FOR A PERIOD OF AT LEAST 90 DAYS DUE TO A LOSS OF FUNCTIONAL CAPACITY; OR~~

~~(II) NEED SUBSTANTIAL SUPERVISION FOR PROTECTION AGAINST THREATS TO HEALTH AND SAFETY DUE TO SEVERE COGNITIVE IMPAIRMENT.~~

~~(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.~~