

~~[(i)] 1.~~ Are above the level of room and board;

~~[(ii)] 2.~~ Are provided ~~[on a regular basis]~~ AT LEAST 5 DAYS IN A 7-DAY PERIOD; and

~~[(iii)] 3.~~ Can be made available to the individuals through institutional facilities; ~~OR.~~

~~(H) MEET THE STANDARDS UNDER § 15-115.1 OF THIS SUBTITLE.~~

[(9)] (10) "Medically and functionally impaired" means an individual who is assessed by the Department to require services provided by a nursing facility as defined in this section, and who, but for the receipt of these services, would require admission to a nursing facility within 30 days.

[(10)] (11) (i) "Nursing facility" means a facility that provides skilled nursing care and related services, rehabilitation services, and health related care and services above the level of room and board needed on a regular basis in accordance with § 1919 of the federal Social Security Act.

(ii) "Nursing facility" includes a facility that provides services to individuals certified as requiring an intermediate level of care.

[(11)] (12) "Personal care services" means those services as defined in accordance with 42 C.F.R. 440.167 and in regulations adopted by the Department.

[(12)] (13) "Respite care services" has the meaning stated in regulations adopted by the Department and includes those services provided to individuals unable to care for themselves furnished on a short-term basis because of the absence or need for relief of those persons normally providing the care.

[(13)] (14) "Waiver" means a home and community based services waiver under § 1915(c) of the federal Social Security Act, submitted by the Department to the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, as required by subsections ~~[(b) and (e)] (F) AND (G) (D)~~ of this section.

[(14)] (15) "Waiver services" means the services covered under an approved waiver that:

(i) Are needed and chosen by an eligible waiver participant as an alternative to admission to or continued stay in a nursing facility;

(ii) Are part of a plan of care approved by the program;

(iii) Assure the waiver participant's health and safety in the community; and

(iv) Cost no more per capita to receive services in the community than in a nursing facility.

~~(B) ON OR BEFORE JULY 1, 2004, THE DEPARTMENT SHALL DEVELOP A PROGRAM DESIGNED TO REDUCE THE NUMBER OF NURSING FACILITY BEDS OCCUPIED BY MEDICAL ASSISTANCE LONG TERM CARE RECIPIENTS IN EACH~~