

~~(2) ASSIST MEDICALLY AND FUNCTIONALLY IMPAIRED INDIVIDUALS IN THE COMMUNITY, OR WHEN DISCHARGED FROM A HOSPITAL, RECEIVE HOME AND COMMUNITY BASED WAIVER SERVICES; AND~~

~~(3) MAKE ADJUSTMENTS IN MEDICAID REIMBURSEMENTS AS PROVIDED IN SUBSECTION (C)(2)(III) OF THIS SECTION.~~

~~[(b)] (F) On or before [August 1, 1999] SEPTEMBER 1, 2004, the Department shall apply to the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES of the United States Department of Health and Human Services for an amendment to the existing home and community based services waiver (Control Number 0265.90) under § 1915(c) of the federal Social Security Act to receive federal matching funds for waiver services received by eligible medically and functionally impaired individuals participating in the waiver AND TO RECEIVE FEDERAL MATCHING FUNDS FOR WAIVER SERVICES TO ASSIST DUALY ELIGIBLE NURSING FACILITY RESIDENTS IN OBTAINING LONG TERM CARE SERVICES IN THE COMMUNITY.~~

(C) (1) IF PERMITTED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, AN INDIVIDUAL SHALL BE DETERMINED MEDICALLY ELIGIBLE TO RECEIVE SERVICES UNDER THE WAIVER UNDER SUBSECTION (B) OF THIS SECTION IF THE INDIVIDUAL REQUIRES:

(I) SKILLED NURSING FACILITY CARE OR OTHER RELATED SERVICES;

(II) REHABILITATION SERVICES; OR

(III) HEALTH-RELATED SERVICES ABOVE THE LEVEL OF ROOM AND BOARD THAT ARE AVAILABLE ONLY THROUGH NURSING FACILITIES, INCLUDING INDIVIDUALS WHO BECAUSE OF SEVERE COGNITIVE IMPAIRMENTS OR OTHER CONDITIONS:

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

B. 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

2. NEED SUBSTANTIAL SUPERVISION FOR PROTECTION AGAINST THREATS TO HEALTH AND SAFETY DUE TO SEVERE COGNITIVE IMPAIRMENT.

(2) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

~~[(c)] (G)(D) The Department's waiver application shall include the following GOALS AND OBJECTIVES:~~