

Section 15-132

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)

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

Article - Health - General

~~15-115.1.~~

(A) ~~(1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.~~

~~(2) "HANDS ON ASSISTANCE" MEANS THE PHYSICAL ASSISTANCE OF ANOTHER PERSON WITHOUT WHICH AN INDIVIDUAL WOULD BE UNABLE TO PERFORM THE ACTIVITY OF DAILY LIVING.~~

~~(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~~