

~~[(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 COUNTY AND BALTIMORE CITY AND TO ASSIST DUALY ELIGIBLE NURSING FACILITY RESIDENTS WHO CHOOSE TO OBTAIN LONG TERM CARE SERVICES IN THE COMMUNITY.~~

~~(C) THE PROGRAM DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:~~

~~(1) PROVISION OF SUPPORT SERVICES THAT ARE NECESSARY FOR AN INDIVIDUAL WHO IS DUALY ELIGIBLE FOR MEDICARE AND MEDICAID LONG TERM CARE BENEFITS TO ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM IN THE MOST INTEGRATED SETTING POSSIBLE AND, ON A STATEWIDE BASIS, IMPROVE THE CAPACITY OF COMMUNITIES TO SUPPORT INDIVIDUALS WHO ARE DUALY ELIGIBLE FOR MEDICARE AND MEDICAID LONG TERM CARE BENEFITS WITH LONG TERM CARE OPTIONS THAT ARE SELF DIRECTED; AND~~

~~(2) PROCEDURES OR PROGRAMS DESIGNED TO OFFSET THE LOSS OF INCOME REALIZED BY A NURSING HOME ASSOCIATED WITH THE LOSS OF A DUALY ELIGIBLE NURSING FACILITY RESIDENT TO THE COMMUNITY THAT MAY INCLUDE:~~

~~(I) TAX CREDITS;~~

~~(II) GRANTS TOWARD CONVERSION OF A LICENSED NURSING HOME BED TO AN ASSISTED LIVING BED, RESPITE CARE BED, OR FOR MEDICAL DAY CARE; OR~~

~~(III) FROM A PORTION OF THE SAVINGS GENERATED FROM MOVING DUALY ELIGIBLE NURSING FACILITY RESIDENT TO THE COMMUNITY, AN ADJUSTMENT IN MEDICAID REIMBURSEMENT FOR THE SICKEST RESIDENTS IN THE FACILITY.~~