(1) THE DEPARTMENT SHALL ENSURE THAT AT ANY GIVEN TIME AT LEAST 50% OF THE ELIGIBLE INDIVIDUALS RECEIVING FINANCIAL ASSISTANCE UNDER THE PROGRAM ARE:

(I) GAINFULLY EMPLOYED;

(II) ACTIVELY SEEKING EMPLOYMENT; OR

(III) ATTENDING AN INSTITUTION OF POSTSECONDARY OR HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.

(2) THE REMAINDER OF THE ELIGIBLE INDIVIDUALS RECEIVING FINANCIAL ASSISTANCE UNDER THE PROGRAM SHALL BE INDIVIDUALS WHO:

(I) RESIDE IN A NURSING HOME OR SIMILAR INSTITUTION LICENSED TO PROVIDE CHRONIC OR INTERMEDIATE CARE AND WHO WILL BE DEINSTITUTIONALIZED AS A RESULT OF THE PROGRAM; OR

(II) ARE ON AN APPROVED WAITING LIST FOR A NURSING HOME OR SIMILAR INSTITUTION LICENSED TO PROVIDE CHRONIC OR INTERMEDIATE CARE.

(B) DUPLICATION PROHIBITED.

FINANCIAL ASSISTANCE PROVIDED UNDER THE PROGRAM MAY NOT DUPLICATE ANY OTHER STATE OR FEDERAL ASSISTANCE FOR ATTENDANT CARE SERVICES THAT AN ELIGIBLE INDIVIDUAL RECEIVES.

(C) LIMITATION ON PARTICIPATION.

THE DEPARTMENT SHALL LIMIT PARTICIPATION IN THE PROGRAM TO THE NUMBER OF ELIGIBLE INDIVIDUALS WHO CAN BE SERVED WITH THE FUNDS APPROPRIATED FOR THE PROGRAM IN THE STATE BUDGET.

(D) REVIEW OF ELIGIBILITY.

EACH YEAR, THE DEPARTMENT SHALL REVIEW THE ELIGIBILITY OF EACH INDIVIDUAL RECEIVING FINANCIAL ASSISTANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 18–602(b), (c), (d), and (a)(5).

In the introductory language of subsection (a)(2) of this section, the former reference to individuals "currently" residing in an institution or on an approved waiting list is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the reference to "a nursing home or similar institution licensed to provide chronic or intermediate care" is substituted for the former reference to "an institution" for clarity and consistency with subsection (a)(2)(i) of this section.

In subsection (c) of this section, the reference to funds "appropriated" is substituted for the former reference to funds "provided" for clarity.

Also in subsection (c) of this section, the former reference to "using the