

(2) ATTENDANT SERVICES AND SUPPORTS SHALL BE PROVIDED IN A CONSUMER'S HOME OR OTHER INDEPENDENT OR SUPPORTED LIVING ENVIRONMENT, INCLUDING SCHOOL, WORK, RECREATIONAL, AND RELIGIOUS SETTINGS.

(3) ATTENDANT SERVICES AND SUPPORTS MAY NOT BE PROVIDED IN:

(I) A NURSING FACILITY;

(II) AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED; OR

(III) A FACILITY THAT PROVIDES FOOD, SHELTER, AND TREATMENT SERVICES TO FOUR OR MORE INDIVIDUALS UNRELATED TO THE PROPRIETOR.

(C) AVAILABILITY OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS.

COMMUNITY ATTENDANT SERVICES AND SUPPORTS SHALL BE AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK, AND PROVIDE BACKUP AND EMERGENCY COMMUNITY ATTENDANT SERVICES AND SUPPORTS WHEN NECESSARY.

(D) PERSONAL ASSISTANTS.

(1) A CONSUMER MAY SELECT OR HIRE ANYONE, INCLUDING A FAMILY MEMBER, AS A PERSONAL ASSISTANT.

(2) BASED ON CONSUMER RECOMMENDATIONS, THE DEPARTMENT MAY WAIVE CERTAIN QUALIFICATIONS REQUIRED BY REGULATION FOR A PERSONAL ASSISTANT, IF THE PERSONAL ASSISTANT IS A FAMILY MEMBER OR IS KNOWN AND CHOSEN BY THE CONSUMER.

(3) A FAMILY MEMBER, EXCEPT THE CONSUMER'S SPOUSE, MAY RECEIVE MEDICAL ASSISTANCE PAYMENTS FOR PROVIDING SERVICES.

(4) THE DEPARTMENT SHALL OFFER A CONSUMER TRAINING ON:

(I) HOW TO SELECT, MANAGE, AND DISMISS AN ATTENDANT OR PERSONAL ASSISTANT; AND

(II) THE FINANCIAL MANAGEMENT OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, §§ 6-7A-01(i), (k), and (c)(2) and 6-7A-03(a), (b), (d), (f), and (e)(2).

In subsection (a)(1) of this section, the defined term "consumer" is substituted for the former reference to an "eligible individual who is a participant in the program" for brevity and consistency throughout this subtitle.

Also in subsection (a)(1) of this section, the word "consumer's" is substituted for the former word "individual's" for clarity.