

~~(A) IN THIS SECTION, "STATE RESIDENTIAL CENTER" HAS THE MEANING STATED IN § 7-101 OF THIS ARTICLE.~~

~~(B) THE DEPARTMENT MAY NOT DENY AN INDIVIDUAL ACCESS TO A HOME AND COMMUNITY BASED SERVICES WAIVER DUE TO A LACK OF FUNDING FOR WAIVER SERVICES IF:~~

~~(1) THE INDIVIDUAL IS LIVING IN A STATE RESIDENTIAL CENTER;~~

~~(2) THE INDIVIDUAL MEETS THE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOME AND COMMUNITY BASED SERVICES WAIVER; AND~~

~~(3) THE HOME AND COMMUNITY BASED SERVICES PROVIDED TO THE INDIVIDUAL QUALIFY FOR FEDERAL MATCHING FUNDS.~~

~~(C) NOTHING IN THIS SECTION IS INTENDED TO RESULT IN A REDUCTION OF FEDERAL FUNDS AVAILABLE TO THE DEPARTMENT.~~

~~(D) (1) ON OR BEFORE SEPTEMBER 1, 2007, THE DEPARTMENT SHALL NOTIFY ALL STATE RESIDENTIAL CENTER RESIDENTS WHOSE INTERMEDIATE CARE FACILITY/MENTAL RETARDATION SERVICES ARE PAID BY THE PROGRAM ABOUT THE OPPORTUNITY TO APPLY FOR A HOME AND COMMUNITY BASED WAIVER.~~

~~(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED TO EACH RESIDENT ANNUALLY AS PART OF THE WRITTEN PLAN OF HABILITATION DISCUSSION ON THE MOST INTEGRATED SETTING REQUIRED UNDER § 7-1006 OF THIS ARTICLE.~~

~~(E) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:~~

~~(1) THE DEPARTMENT'S EFFORTS TO PROMOTE HOME AND COMMUNITY BASED SERVICES; AND~~

~~(2) THE NUMBER OF INDIVIDUALS WHO HAVE TRANSITIONED FROM STATE RESIDENTIAL CENTERS TO HOME AND COMMUNITY BASED WAIVER SERVICES.~~