

(3) UNDER A CONSUMER-DIRECTED MODEL, A CONSUMER MAY USE A FISCAL AGENT TO OBTAIN SERVICES.

(B) (1) ATTENDANT SERVICES AND SUPPORTS SHALL BE DESIGNED TO ASSIST A CONSUMER IN ACCOMPLISHING ACTIVITIES OF DAILY LIVING AND HEALTH-RELATED FUNCTIONS THROUGH:

(I) HANDS-ON ASSISTANCE;

(II) SUPERVISION; OR

(III) CUEING, PROMPTING, OR REMINDING THE CONSUMER ABOUT AN ACTIVITY.

(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) 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) (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.