

~~(D) THE PROGRAM DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:~~

~~(1) DIMINISH OR REDUCE THE QUALITY OF SERVICES AVAILABLE TO NURSING HOME RESIDENTS;~~

~~(2) REQUIRE A NURSING FACILITY RESIDENT TO INVOLUNTARILY ACCEPT HOME AND COMMUNITY BASED LONG TERM CARE SERVICES;~~

~~(3) REQUIRE A NURSING FACILITY RESIDENT TO BE TRANSFERRED OR DISCHARGED AS A RESULT OF A CHANGE IN THE RESIDENT'S METHOD OF PAYMENT FOR NURSING FACILITY SERVICES OR EXHAUSTION OF THE RESIDENT'S PERSONAL FINANCIAL RESOURCES.~~

~~(E) FOR EVERY MEDICAL ASSISTANCE LONG TERM CARE RECIPIENT DISCHARGED FROM A NURSING FACILITY BED TO A COMMUNITY BASED WAIVER SLOT, THE DEPARTMENT SHALL DETERMINE THE AVERAGE SAVINGS PER RECIPIENT TRANSFERRED AND SHALL USE THE SAVINGS TO:~~

~~(1) FUND IMPLEMENTATION OF EXPANDED MEDICAL ELICIBILITY REQUIREMENTS FOR NURSING FACILITY SERVICES UNDER § 15 115.1 OF THIS SUBTITLE;~~

~~(2) ASSIST MEDICALLY AND FUNCTIONALLY IMPAIRED INDIVIDUALS IN THE COMMUNITY, OR WHEN DISCHARGED FROM A HOSPITAL, RECEIVE HOME AND COMMUNITY BASED WAIVER SERVICES; AND~~

~~(3) MAKE ADJUSTMENTS IN MEDICAID REIMBURSEMENTS AS PROVIDED IN SUBSECTION (C)(2)(III) OF THIS SECTION.~~

~~{(b)} (F) On or before [August 1, 1999] SEPTEMBER 1, 2004, the Department shall apply to the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES of the United States Department of Health and Human Services for an amendment to the existing home and community based services waiver (Control Number 0265.90) under § 1915(c) of the federal Social Security Act to receive federal matching funds for waiver services received by eligible medically and functionally impaired individuals participating in the waiver AND TO RECEIVE FEDERAL MATCHING FUNDS FOR WAIVER SERVICES TO ASSIST DUALY ELIGIBLE NURSING FACILITY RESIDENTS IN OBTAINING LONG TERM CARE SERVICES IN THE COMMUNITY.~~

(C) (1) IF PERMITTED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, AN INDIVIDUAL SHALL BE DETERMINED MEDICALLY ELIGIBLE TO RECEIVE SERVICES UNDER THE WAIVER UNDER SUBSECTION (B) OF THIS SECTION IF THE INDIVIDUAL REQUIRES:

(I) SKILLED NURSING FACILITY CARE OR OTHER RELATED SERVICES;

(II) REHABILITATION SERVICES; OR