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§15–137.

(a) 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 nursing facility at the time of the application for waiver services;

(2) At least 30 consecutive days of the individual’s nursing facility stay are eligible to be paid for by the Program;

(3) The individual meets all of the eligibility criteria for participation in the home– and community–based services waiver; and

(4) The home– and community–based services provided to the individual would qualify for federal matching funds.

(b) Nothing in this section is intended to result in a reduction of federal funds available to the Department.

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