

/\* 42 USC 300dd follows, which provides for home and community HIV services to receive grants. \*/

HEALTH SERVICES WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME FORMULA GRANTS TO STATES FOR HOME AND COMMUNITY-BASED HEALTH SERVICES

Section 300dd. Establishment of program

(a) Allotments for States. For the purpose described in subsection (b), the Secretary shall for each of the fiscal years 1989 and 1990 make an allotment for each State in an amount determined in accordance with section 2408 [42 USC 300dd-7]. The Secretary shall make payments each such fiscal year to each State from the allotment for the State if the Secretary approves for the fiscal year involved an application submitted by the State pursuant to section 2407 [42 USC 300dd-6].

(b) Purpose of grants. The Secretary may not make payments under subsection (a) for a fiscal year unless the State involved agrees to expend the payments only for the purpose of providing services in accordance with section 2402 [42 USC 300dd-1].

(c) "Eligible individual" defined. For purposes of this part [42 USC 300dd et seq.]:

(1) The term "eligible individual" means an individual infected with the etiologic agent for acquired immune deficiency syndrome who either is medically dependent or chronically dependent.

(2) The term "medically dependent" means, with respect to an individual, that the individual has been certified by a physician as:

(A) requiring the routine use of appropriate medical services (which may include home intravenous drug therapy) to prevent or compensate for the individual's serious deterioration, arising from infection with the etiologic agent for acquired immune deficiency syndrome, of physical health or cognitive function, and

(B) being able to avoid long-term or repeated care as an inpatient or resident in a hospital, nursing facility, or other institution if home and community-based health services

are provided to the individual.

(3) The term "chronically dependent" means, with respect to an individual, that the individual has been certified by a physician as:

(A) being unable to perform, because of physical or cognitive impairment (without substantial assistance from another individual) arising from infection with the etiologic agent for acquired immune deficiency syndrome, at least 2 of the following activities of daily living: bathing, dressing, toileting, transferring, and eating, or

(B) having a similar level of disability due to cognitive impairment (as defined by the Secretary).

(d) "Home and community-based health services" defined. For purposes of this part [42 USC 300dd et seq.], the term "home and community-based health services":

(1) means, with respect to an eligible individual, skilled health services furnished to the individual in the individual's home pursuant to a written plan of care established by a health care professional for the provision of such services and items and services described in paragraph (2);

(2) includes:

(A) durable medical equipment,

(B) homemaker/home health aide services and personal care services furnished in the individual's home,

(C) day treatment or other partial hospitalization services,

(D) home intravenous drug therapy (including prescription drugs administered intravenously as part of such therapy), and

(E) routine diagnostic tests administered in the individual's home, furnished pursuant to such plan of care; but

(3) does not include, except as specifically provided in paragraph (2):

(A) diagnostic tests,

- (B) inpatient hospital services,
- (C) nursing facility services, and
- (D) prescription drugs.

(July 1, 1944, ch 373, Title XXIV, Part A, 2401, as added Nov. 4, 1988, P. L. 100-607, Title II, Subtitle B, 211, 102 Stat. 3079.)

Section 300dd-1. Provisions with respect to carrying out purpose of grants

(a) Required uses of funds. The Secretary may not make payments under section 2401(a) [42 USC 300dd(a)] unless the State involved agrees that the State will:

(1) provide for home and community-based health services for eligible individuals pursuant to written plans of care established by health care professionals for providing such services to such individuals;

(2) provide for the identification, location, and provision of outreach to eligible individuals;

(3) provide for coordinating the provision of services under this part [42 USC 300dd et seq.] with the provision of similar or related services by public and private entities; and

(4) give priority to the provision of outreach and home and community-based services to eligible individuals with low incomes.

(b) Authority for grants and contracts. A State may make payment for services under subsection (a) through grants to public and nonprofit private entities and through contracts with public and private entities. In providing such financial assistance, a State shall give priority to public and nonprofit private entities that have demonstrated experience in delivering home and community-based health services to individuals infected with the etiologic agent for acquired immune deficiency syndrome.

(July 1, 1944, ch 373, Title XXIV, Part A, 2402, as added Nov. 4, 1988, P. L. 100-607, Title II, Subtitle B, 211, 102 Stat. 3080; Nov. 18, 1988, P. L. 100-690, Title II, Subtitle G, Ch 2, 2618(a), 102 Stat. 4240.)