

## §7302. Definitions

As used in this subtitle, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 511, §1 (NEW).]

**1. Adults with long-term care needs.** "Adults with long-term care needs" means adults who have physical or mental limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently, or who are at risk of being, or who already have been, placed inappropriately in an institutional setting.  
[PL 1981, c. 511, §1 (NEW).]

**1-A. Activities of daily living.** "Activities of daily living" means activities as defined in federal and state rules including those essential to a person's daily living including: eating and drinking; bathing and hygiene; dressing, including putting on and removing prostheses and clothing; toileting, including toilet or bedpan use, ostomy or catheter care, clothing changes and cleaning related to toileting; locomotion or moving between locations within a room or other areas, including with the use of a walker or wheelchair; transfers or moving to and from a bed, chair, couch, wheelchair or standing position; and bed mobility or positioning a person's body while in bed, including turning from side to side.  
[PL 2009, c. 279, §3 (NEW).]

**2. Agreement.** "Agreement" means a contract, grant or other method of payment.  
[PL 1981, c. 511, §1 (NEW).]

**3. Commissioner.** "Commissioner" means the Commissioner of Health and Human Services.  
[PL 1981, c. 511, §1 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

**3-A. Consumer.** "Consumer" means a person eligible for services under this subtitle.  
[PL 2009, c. 279, §3 (NEW).]

**3-B. Consumer assessment.** "Consumer assessment" means an evaluation of the functional capacity of an individual to live independently given appropriate supports with activities of daily living and instrumental activities of daily living or through the provision of information about service options that are available to meet the individual's needs.  
[PL 2009, c. 279, §3 (NEW).]

**4. Department.** "Department" means the Department of Health and Human Services.  
[PL 1981, c. 511, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**5. In-home and community support services.** "In-home and community support services" means health and social services and other assistance required to enable adults with long-term care needs to remain in their places of residence. These services include, but are not limited to, self-directed care services; medical and diagnostic services; professional nursing; physical, occupational and speech therapy; dietary and nutrition services; home health aide services; personal care assistance services; companion and attendant services; home repair and home maintenance, chore and homemaker services; respite care; hospice care; counseling services; transportation; small rent subsidies; various devices that lessen the effects of disabilities; and other appropriate and necessary social services.  
[PL 2023, c. 405, Pt. A, §77 (AMD).]

**6. Institutional settings.** "Institutional settings" means residential care facilities, licensed pursuant to chapter 1664; intermediate care and skilled nursing facilities and units and hospitals, licensed pursuant to chapter 405; and state institutions for individuals who have a mental illness or who have intellectual disabilities or autism or other related conditions.  
[PL 2011, c. 542, Pt. A, §46 (AMD).]

**6-A. Instrumental activities of daily living.** "Instrumental activities of daily living" means the activities as defined in federal and state rules including those essential, nonmedical tasks that enable

the consumer to live independently in the community, including light housework, preparing meals, taking medications, shopping for groceries or clothes, using the telephone, managing money and other similar activities.

[PL 2009, c. 279, §3 (NEW).]

**7. Personal care assistance services.** "Personal care assistance services" means services required by an adult with long-term care needs to achieve greater physical independence, which may be self-directed and include, but are not limited to:

A. Routine bodily functions, such as bowel or bladder care; [PL 1981, c. 511, §1 (NEW).]

B. Dressing; [PL 1981, c. 511, §1 (NEW).]

C. Preparation and consumption of food; [PL 1981, c. 511, §1 (NEW).]

D. Moving in and out of bed; [PL 1981, c. 511, §1 (NEW).]

E. Routine bathing; [PL 1981, c. 511, §1 (NEW).]

F. Ambulation; and [PL 1981, c. 511, §1 (NEW).]

G. Activities of daily living and instrumental activities of daily living. [PL 2009, c. 279, §3 (AMD).]

[PL 2009, c. 279, §3 (AMD).]

**8. Personal care assistant.** "Personal care assistant" means an individual who has completed a training course of at least 40 hours, which includes, but is not limited to, instruction in basic personal care procedures, such as those listed in subsection 7, first aid and handling of emergencies; or an individual who meets competency requirements, as determined by the department or its designee; or, if providing service to a consumer receiving self-directed attendant services under chapter 1622, a person approved by the consumer or the consumer's surrogate as being able to competently assist in the fulfillment of the personal care assistance services outlined in the consumer's plan of care. Nothing in Title 32, chapter 31, may be interpreted to require that a personal care assistant be licensed under that chapter or supervised by a person licensed under that chapter.

[PL 2009, c. 279, §3 (AMD).]

**9. Provider.** "Provider" means any entity, agency, facility or individual who offers or plans to offer any in-home or community support services or institutionally based long-term care services.

[PL 2009, c. 279, §3 (AMD).]

**9-A. Qualified providers.** "Qualified providers" means community-based agencies or a network of agencies with the organizational and administrative capacity to administer and monitor an array of in-home and community support services that will promote choice and portability with an emphasis on coordinating and implementing the services in the consumer's plan of care.

[PL 2009, c. 279, §3 (NEW).]

**9-B. Self-directed care services.** "Self-directed care services" means services procured and directed by the consumer or the consumer's surrogate that allow the consumer to reenter or remain in the community and to maximize independent living opportunities. "Self-directed care services" includes the hiring, firing, training and supervision of personal care assistants to assist with activities of daily living and instrumental activities of daily living.

[PL 2009, c. 279, §3 (NEW).]

**10. Severe disability.** "Severe disability" means a disability that results in persons having severe, chronic physical, sensory or cognitive limitations that restrict their ability to carry out activities of daily living and to live independently.

[PL 2009, c. 279, §3 (AMD).]

**11. Surrogate.** "Surrogate" means an unpaid agent of a consumer designated to assist with the management of the tasks associated with in-home and community support services.

[PL 2009, c. 279, §3 (NEW).]

**SECTION HISTORY**

PL 1981, c. 511, §1 (NEW). PL 1987, c. 845, §1 (AMD). PL 1989, c. 332 (AMD). PL 2001, c. 596, §B10 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 689, §§B6,7 (REV). PL 2009, c. 279, §3 (AMD). PL 2009, c. 420, §2 (AMD). PL 2009, c. 652, Pt. A, §32 (AMD). PL 2011, c. 542, Pt. A, §46 (AMD). PL 2023, c. 405, Pt. A, §77 (AMD).

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