§ 2999-v. Eligibility and enrollment. 1. To be eligible to enroll in a PACE organization, an individual shall:

(a) (i) be at least fifty-five years old;

(ii) meet the eligibility requirements for a nursing home level of care;

(iii) reside within the PACE organization's approved service area;

(iv) be able to be maintained safely in the community-based setting with the assistance of the PACE organization; and

(v) meet any additional program specific eligibility conditions imposed under the PACE program agreement between the PACE organization, the department, and CMS; or

(b) be otherwise eligible to participate in a PACE demonstration or specialty program authorized by the federal PACE Innovation Act and approved by the department and CMS.

2. Enrollment in a PACE organization shall be voluntary for the eligible individual.