

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 215

(Chair, Health and Government Operations
Committee)(By Request - Departmental - Disabilities)

Health and Government Operations

Finance

Human Services - Attendant Care Program - Ongoing Additional Supports

This departmental bill expands the purpose of the Attendant Care Program (ACP) in the Maryland Department of Disabilities (MDOD) to include providing financial assistance to an eligible individual for “ongoing additional supports.” The bill specifies that financial assistance provided under ACP must not duplicate any other State or federal assistance for attendant care services *or ongoing additional supports* that an eligible individual receives.

Fiscal Summary

State Effect: The bill primarily alters the purposes for which existing funds may be used. To the extent it requires administrative changes, MDOD can handle them with existing resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: MDOD has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: “Ongoing additional supports” means a continual support that (1) increases an eligible individual’s independent performance of an essential activity of daily living (ADL), self-care, or mobility and (2) is requested by an eligible individual and approved by MDOD.

Current Law: “Attendant care services” means any of the following services for an eligible individual, which is certified as necessary by an attending physician or by a registered nurse: dressing; preparing food and assisting with eating; bathing and personal hygiene; assisting with routine bodily functions; moving into, out of, or turning in bed; laundering and other clothing care; and cleaning house and performing other services of daily care, as specified.

An “eligible individual” is an individual who is between 18 and 65 years of age at the time of the initial eligibility determination and has a severe chronic or permanent disability that precludes or significantly impairs the individual’s independent performance of essential ADLs, self-care, or mobility.

Under ACP, MDOD must provide financial assistance in accordance with a sliding payment scale established by the department in regulation. MDOD must annually review the eligibility of each individual receiving financial assistance. MDOD must ensure that, at any given time, at least 50% of eligible individuals receiving financial assistance under the program are gainfully employed, actively seeking employment, or attending an institution of postsecondary or higher education. The remainder of eligible individuals receiving financial assistance must be individuals who (1) reside in a nursing facility or similar institution and will be deinstitutionalized as a result of the program or (2) are certified by an attending physician or certified nurse practitioner as being at risk of placement in a nursing facility or similar institution if attendant care services are not received in the community.

MDOD must limit program participation to the number of eligible individuals who can be served with the funds appropriated for the program in the State budget.

Background: The goal of ACP is to supplement the cost of personal attendant care services so individuals with disabilities may maintain employment, attend an institution of postsecondary education, or avoid placement in a nursing facility or similar institution.

MDOD advises that, since ACP’s inception in 1982, there have been advancements in technology and support available to individuals with disabilities and that expanding the program to include providing ongoing additional supports will help better meet the needs of individuals who receive financial assistance under the program.

To date, 141 participants have benefited from the program in fiscal 2024, with an average reimbursement of \$335.93 per pay period. The fiscal 2025 budget as introduced includes \$1,312,455 for ACP to provide financial assistance to eligible individuals.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 226 (Chair, Finance Committee)(By Request - Departmental - Disabilities) - Finance.

Information Source(s): Maryland Department of Disabilities; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2024
js/jc Third Reader - March 1, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Human Services - Attendant Care Program - Ongoing Additional Supports

BILL NUMBER: HB 215

PREPARED BY: Lisa Belcastro

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

☒ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

☐ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Will have minimal or no economic impact.