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SB 738: Health Care Providers and Health Benefit Plans – Discrimination in Provision of Services

Position: Support with Amendment

February 26, 2020

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities.

Unlike large hospitals and other health care facilities, DDA-licensed residential providers (included in the definition of “related institutions”) provide highly individualized supports to people with IDD in small, home-settings typically comprised of 2-4 people. Best practices in the field of developmental disabilities require a high degree of choice for people using supports-- including roommates, personal preferences, needs, employment, other activities, healthcare, etc.—all of which are important factors taken into consideration when a provider determines whether or not they are able to deliver the appropriate supports needed by a given person with IDD. These are decisions based on the expertise and staffing of the provider as well as the unique needs of other people with IDD who the provider may also be supporting in a particular home. Situations arise where a person’s needs, related to their disability, and/or the gender make-up of a home, as well as the personal choice of the other people already living in a home contribute to a decision that a provider is not able to accept a person into services. This amendment complies with federal guidelines regarding individual choice, and allows providers to ensure that they can meet the needs of the individuals they serve.

Respectfully submitted in support with the attached amendment.

AMENDMENT REQUESTED BY
MARYLAND ASSOCIATION OF COMMUNITY SERVICES

SB 738 - HEALTH CARE PROVIDERS AND HEALTH BENEFIT PLANS - DISCRIMINATION
IN PROVISION OF SERVICES

On page 1, after line 18, insert:

Section (B) of this section does not prevent providers of services to developmentally disabled individuals under Title 7 of the Health General Article from making a determination of whether to admit someone based on the ability of the provider to meet the needs of the individual, or the rights and preferences of individuals affected by the admission.

Explanation:

Unlike large hospitals and other health care facilities, DDA-licensed residential providers (included in the definition of "related institutions") provide highly individualized supports to people with IDD in small, home-settings typically comprised of 2-4 people. Best practices in the field of developmental disabilities require a high degree of choice for people using supports-- including roommates, personal preferences, needs, employment, other activities, healthcare, etc.—all of which are important factors taken into consideration when a provider determines whether or not they are able to deliver the appropriate supports needed by a given person with IDD. These are decisions based on the expertise and staffing of the provider as well as the unique needs of other people with IDD who the provider may also be supporting in a particular home. Situations arise where a person's needs, related to their disability, and/or the gender make-up of a home, as well as the personal choice of the other people already living in a home, contribute to a decision that a provider is not able to accept a person into services. This amendment complies with federal guidelines regarding individual choice and allows providers to ensure that they can meet the needs of the individuals they serve.