



## DEPARTMENT OF HEALTH

*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary*

March 4, 2020

The Honorable Shane E. Pendergrass, Chair  
House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

### **RE: HB 1171 - Demonstration Program Developmental Disabilities - Letter of Information**

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of information on House Bill 1171 (HB 1171) Public Health - Demonstration Program Developmental Disabilities. HB 1171 establishes a State Advisory Council on Self-Directed Services, requires the self-directed waiver to cover broker services, and modifies requirements for the Department's demonstration program to cover health services for individuals who are enrolled in the Employed Individuals with Disabilities (EID) Program under the Maryland Medical Assistance Program.

The Department fully supports and encourages self-direction as a service delivery model. The number of participants who are self-directing their services has increased significantly from 41 individuals in 2006 to 1092 individuals in 2019.

Since 2013, the Department has continually enhanced the self-directed waiver program, implementing new services and best practices. We amended our waiver with the Centers for Medicare and Medicaid Services (CMS) three times, and fully renewed the waiver once, all while continually incorporating stakeholder input. While service definitions have undergone some clarification, participants who have chosen to self-direct continue to have full flexibility in choosing providers within the waiver program. Additionally, the Developmental Disability Administration (DDA) Deputy Secretary and the Secretary of the Department of Disabilities, along with other DDA staff, meet with the Self-Directed Advocacy Network of Maryland (SDAN) quarterly, and have done so since 2013.

The Department would like to note that two requirements of HB 1171 conflict with the Department's CMS waiver: (1) inclusion of support brokers as part of the waiver and (2) support brokers having a fiduciary duty to the individual to whom they provide services. CMS policy also states that services delivered by legally responsible individuals, such as family members, are not eligible for federal match.

Finally, the bill appears to amend the eligibility criteria for the Department's demonstration program. It would remove the requirement that individuals be enrolled in the EID program, have

a qualifying condition, and lack coverage under Medicaid; however, the authority to establish criteria for the demonstration program still lies with the Department under subsection (b) of Chapter 446 of the Acts of 2018. This will greatly expand those eligible for this program with a corresponding fiscal impact.

I hope this information is useful. If you have questions or need more information about this subject, please contact Webster Ye, Deputy Chief of Staff, at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Neall", with a long horizontal flourish extending to the right.

Robert R. Neall  
Secretary

