

To: Chair and Members of the House Health and Government Operations Committee

From: Maryland State Bar Association Elder Law and Disability Rights Section

Date: February 26, 2022

Subject: HB1176: Home- and Community-Based Services Waiver - Eligibility

Position: Favorable

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The Elder Law and Disability Rights Section of the Maryland State Bar Association supports HB 1176: Home and Community-Based Services Waiver - Eligibility

The Elder Law and Disability Rights Section of the Maryland State Bar Association is an attorney organization whose 500+ members represent primarily senior and disabled adults.

The legislation requires the inclusion of individuals who are eligible to for the Medicaid Home and Community Based Services Waiver who are categorically needy individuals with an income disregard up to 300% of the Supplemental Security Income monthly benefit amount. It also codifies the utilization of the federal spousal impoverishment standards into Maryland law. Since 2014 Congress has periodically extended this program but has not made it permanent. This legislation would continue Maryland's utilization of this beneficial policy even after the current federal expiration date at the end of September 2027.

This legislation is needed for the following reasons:

- Marylanders in need of help with their activities of daily living desire to receive such care in the community, and the eligibility rules should encourage use of home and community based services.
- The cost of home and community based services is less expensive per person than nursing home care.
- Medicaid rules generally require that both spouses' countable assets to be considered in determining the eligibility of one spouse who needs long term services and supports. The spousal impoverishment standards ensure that the spouse is not impoverished by having to use all of their resources to pay for their loved-one's care.
- Congress gives states the option not to use these standards after September 2027. This legislation would codify Maryland's use of this standard even if Congress does not extend the September 2027 date.

We urge your Committee to give a favorable report to this legislation.

/s/ Daniel Tavares, Chair

