

# SENATE BILL 867

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By: **Senator Lee**

Introduced and read first time: February 7, 2022

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Employed Individuals With Disabilities**  
3 **Program – Requirements**  
4 **(Equal Love for Employees With Disabilities Act)**

5 FOR the purpose of requiring the Maryland Department of Health to provide Maryland  
6 Medical Assistance Program services for individuals under the Employed  
7 Individuals with Disabilities Program in accordance with certain requirements;  
8 prohibiting a certain individual from receiving EID Program services; prohibiting  
9 the consideration of certain assets in determining an individual's eligibility for  
10 certain programs; prohibiting the Department from limiting eligibility to receive  
11 services under the EID Program based on certain criteria; repealing certain  
12 provisions of law relating to the Employed Persons with Disabilities Program; and  
13 generally relating to the Maryland Medical Assistance Program and services for  
14 individuals with disabilities.

15 BY repealing

16 Article – Health – General  
17 Section 15–138  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2021 Supplement)

20 BY adding to

21 Article – Health – General  
22 Section 15–138  
23 Annotated Code of Maryland  
24 (2019 Replacement Volume and 2021 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 That the Laws of Maryland read as follows:

27 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [15–138.

2 (a) To the extent that funding is available in the State budget, the Maryland  
3 Department of Health shall implement the Employed Persons with Disabilities Program  
4 by July 1, 2005.

5 (b) The purpose of the Employed Persons with Disabilities Program is to  
6 encourage individuals with disabilities to seek or maintain employment.

7 (c) (1) The Secretary shall adopt regulations that develop specific eligibility  
8 criteria for participation in the Employed Persons with Disabilities Program.

9 (2) Prior to adopting the regulations required under paragraph (1) of this  
10 subsection, the Department shall:

11 (i) Consult with the Coalition for Work Incentives Improvement;  
12 and

13 (ii) Give preference to the recommendations for eligibility criteria  
14 developed by the Coalition.

15 (d) At least every 3 years after the adoption of the regulations required under  
16 subsection (c) of this section, the Department shall review the regulations in consultation  
17 with the Coalition for Work Incentives Improvement.]

18 **15–138.**

19 **(A) IN THIS SECTION, “EID PROGRAM” MEANS THE EMPLOYED**  
20 **INDIVIDUALS WITH DISABILITIES PROGRAM OPERATED UNDER THE MARYLAND**  
21 **MEDICAL ASSISTANCE PROGRAM.**

22 **(B) THE DEPARTMENT SHALL PROVIDE HEALTH CARE SERVICES FOR**  
23 **INDIVIDUALS UNDER THE EID PROGRAM IN ACCORDANCE WITH THIS SECTION.**

24 **(C) THE DEPARTMENT SHALL:**

25 **(1) PROVIDE EID PROGRAM SERVICES TO QUALIFIED APPLICANTS,**  
26 **INCLUDING EXISTING PROGRAM RECIPIENTS, WHO ARE AT LEAST 16 YEARS OLD;**

27 **(2) TRANSITION PROGRAM RECIPIENTS WHO BECOME ELIGIBLE FOR**  
28 **THE EID PROGRAM IN A MANNER THAT IS LEAST DISRUPTIVE TO THE RECIPIENT’S**  
29 **ACCESS TO SERVICES;**

1           **(3) ENSURE THAT THE APPLICATION PROCESS FOR THE EID**  
2 **PROGRAM, TO THE EXTENT AUTHORIZED BY THE CENTERS FOR MEDICARE AND**  
3 **MEDICAID SERVICES, PROVIDES MAXIMUM FLEXIBILITY AND PLAIN LANGUAGE**  
4 **INFORMATION FOR APPLICANTS, INCLUDING:**

5                   **(I) INSTRUCTIONS FOR COMPLETING THE APPLICATION;**

6                   **(II) A DESCRIPTION OF DOCUMENTS THE APPLICANT MUST**  
7 **ENCLOSE WITH THE APPLICATION; AND**

8                   **(III) NOTICE TO THE APPLICANT OF APPROVAL OR DENIAL OF AN**  
9 **APPLICATION;**

10           **(4) ESTABLISH A PREMIUM CONTRIBUTION FOR EID PROGRAM**  
11 **SERVICES THAT IS BASED SOLELY ON AN APPLICANT'S EARNED AND UNEARNED**  
12 **INCOME; AND**

13           **(5) IF A RECIPIENT OF EID PROGRAM SERVICES BECOMES**  
14 **UNEMPLOYED THROUGH NO FAULT OF THE RECIPIENT, ALLOW THE RECIPIENT TO**  
15 **REMAIN ELIGIBLE FOR THE SERVICES FOR A PERIOD OF UP TO 1 YEAR AFTER THE**  
16 **RECIPIENT BECOMES UNEMPLOYED.**

17           **(D) THE DEPARTMENT MAY NOT LIMIT ELIGIBILITY TO RECEIVE EID**  
18 **PROGRAM SERVICES BASED ON:**

19                   **(1) THE EARNED OR UNEARNED INCOME OF THE APPLICANT OR THE**  
20 **APPLICANT'S SPOUSE; OR**

21                   **(2) ANY ASSETS OR RESOURCES OF THE APPLICANT OR THE**  
22 **APPLICANT'S SPOUSE.**

23           **(E) EXCEPT AS PROVIDED IN SUBSECTION (C)(5) OF THIS SECTION, AN**  
24 **INDIVIDUAL MAY NOT RECEIVE EID PROGRAM SERVICES UNLESS THE INDIVIDUAL**  
25 **IS EMPLOYED.**

26           **(F) IF AN INDIVIDUAL IS NO LONGER RECEIVING SERVICES UNDER THE EID**  
27 **PROGRAM, ASSETS EARNED BY THE INDIVIDUAL WHILE THE INDIVIDUAL WAS**  
28 **RECEIVING SERVICES THROUGH THE EID PROGRAM, INCLUDING ALL RETIREMENT**  
29 **ACCOUNTS AND LIFE INSURANCE POLICIES, MAY NOT BE CONSIDERED IN**  
30 **DETERMINING THE INDIVIDUAL'S ELIGIBILITY FOR ANY OTHER PROGRAM WITHIN**  
31 **THE PROGRAM.**

32           **(G) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND**

1 **MEDICAID SERVICES FOR ANY AMENDMENTS TO THE STATE PLAN, WAIVERS, OR**  
2 **OTHER FEDERAL APPROVALS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF**  
3 **THIS SECTION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of  
5 Health shall implement this Act on or before October 1, 2022.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
7 1, 2022.