

Chapter 845

(Senate Bill 790)

AN ACT concerning

Maryland Medical Assistance Program – Employed Individuals With Disabilities

FOR the purpose of requiring the Maryland Department of Health to provide Maryland Medical Assistance Program services for individuals under the Employed Individuals with Disabilities Program in accordance with certain requirements; prohibiting the Department from limiting eligibility to receive services under the EID Program based on certain criteria; repealing certain provisions of law relating to the Employed Persons with Disabilities Program; and generally relating to the Maryland Medical Assistance Program and services for individuals with disabilities.

BY repealing

Article – Health – General
Section 15–138
Annotated Code of Maryland
(2023 Replacement Volume)

BY adding to

Article – Health – General
Section 15–138
Annotated Code of Maryland
(2023 Replacement Volume)

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

Article – Health – General

[15–138.

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

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

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

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

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

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

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

15-138.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “EID PROGRAM” MEANS THE EMPLOYED INDIVIDUALS WITH DISABILITIES PROGRAM OPERATED UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM.

(3) “INDEPENDENCE ACCOUNT” MEANS A FINANCIAL ACCOUNT DESIGNATED BY A RECIPIENT OF EID PROGRAM SERVICES:

(I) THAT CONSISTS OF EARNED INCOME OF A RECIPIENT OR FUNDS FROM OTHER SOURCES DEPOSITED BY OR FOR THE RECIPIENT;

(II) FOR WHICH THERE IS AN UPPER LIMIT ON THE TOTAL AMOUNT OF EARNED INCOME RECEIVED BY THE RECIPIENT IN AN ENROLLMENT YEAR AND DEPOSITED INTO THE ACCOUNT; AND

(III) FOR WHICH THERE ARE NO RESTRICTIONS UNDER THE EID PROGRAM ON HOW FUNDS MAY BE EXPENDED BY THE RECIPIENT.

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

(C) THE DEPARTMENT SHALL:

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

(2) FOR INITIAL APPLICATIONS TO RECEIVE EID PROGRAM SERVICES, ACCEPT DOCUMENTS TO VERIFY INCOME AND RESOURCES THAT ARE DATED UP TO 30 DAYS BEFORE THE DATE THE APPLICATION IS RECEIVED;

(3) TRANSITION PROGRAM RECIPIENTS WHO BECOME ELIGIBLE FOR THE EID PROGRAM IN A MANNER THAT IS LEAST DISRUPTIVE TO THE RECIPIENT'S ACCESS TO SERVICES, ~~INCLUDING ENABLING A TRANSITION TO THE EID PROGRAM WITHOUT REQUIRING AN APPLICANT TO BE TERMINATED FROM A PROGRAM ELIGIBILITY CATEGORY IN EFFECT AS A PREREQUISITE TO APPLYING FOR EID PROGRAM SERVICES;~~

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

(I) INSTRUCTIONS FOR COMPLETING THE APPLICATION;

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

(III) NOTICE TO THE APPLICANT OF APPROVAL OR DENIAL OF AN APPLICATION; AND

(5) ~~(H) ESTABLISH A PREMIUM CONTRIBUTION FOR EID PROGRAM SERVICES THAT IS BASED SOLELY ON A RECIPIENT'S EARNED AND UNEARNED INCOME; AND~~

~~(H) ESTABLISH MONTHLY PREMIUM CONTRIBUTIONS LEVELS FOR RECIPIENTS WITH COUNTABLE INCOME LEVELS ABOVE 300% OF THE FEDERAL POVERTY LEVEL IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.~~

~~(D) FOR RECIPIENTS WITH COUNTABLE INCOME LEVELS ABOVE 300% OF THE FEDERAL POVERTY LEVEL, THE MONTHLY PREMIUM LEVELS SHALL BE AS FOLLOWS:~~

~~(1) FOR A RECIPIENT WITH A COUNTABLE INCOME THAT IS AT LEAST 301% BUT LESS THAN 451% OF THE FEDERAL POVERTY LEVEL, THE MONTHLY PREMIUM AMOUNT IS \$129;~~

~~(2) FOR A RECIPIENT WITH A COUNTABLE INCOME THAT IS AT LEAST 451% BUT LESS THAN 601% OF THE FEDERAL POVERTY LEVEL, THE MONTHLY PREMIUM AMOUNT IS \$242; AND~~

~~(3) FOR A RECIPIENT WITH A COUNTABLE INCOME THAT IS AT LEAST 601% OF THE FEDERAL POVERTY LEVEL, THE MONTHLY PREMIUM AMOUNT IS \$484.~~

~~(F)~~ (D) SUBJECT TO SUBSECTION ~~(F)~~ (E) OF THIS SECTION, THE DEPARTMENT MAY ADOPT REGULATIONS THAT DEVELOP SPECIFIC ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE EID PROGRAM.

~~(F)~~ (E) THE DEPARTMENT MAY NOT:

(1) LIMIT ELIGIBILITY TO RECEIVE EID PROGRAM SERVICES BASED ON:

(I) THE EARNED OR UNEARNED INCOME OF THE APPLICANT OR THE APPLICANT'S SPOUSE;

(II) ANY ASSETS OR RESOURCES OF THE APPLICANT'S OR RECIPIENT'S SPOUSE THAT ARE NOT JOINT ASSETS FOR A RECIPIENT;

(III) ANY RETIREMENT ACCOUNT ASSETS OR RESOURCES FOR AN APPLICANT OR A RECIPIENT; OR

(IV) ANY ASSETS OR RESOURCES IN AN INDEPENDENCE ACCOUNT ESTABLISHED FOR A RECIPIENT OF EID PROGRAM SERVICES; OR

~~(2) ESTABLISH AN UPPER AGE LIMIT ON ELIGIBILITY TO RECEIVE EID PROGRAM SERVICES; OR~~

~~(3)~~ ESTABLISH AS A PREREQUISITE FOR ELIGIBILITY TO RECEIVE EID PROGRAM SERVICES THAT AN APPLICANT APPLY FOR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS WHEN THE APPLICANT DOES NOT RECEIVE THE BENEFITS AND HAS EARNINGS THAT ARE ABOVE THE SUBSTANTIAL GAINFUL ACTIVITY LEVEL ESTABLISHED BY THE SOCIAL SECURITY ADMINISTRATION.

~~(G)~~ (F) THE DEPARTMENT SHALL:

(1) MEET WITH A STATE-BASED COALITION OF DISABILITY ADVOCATES TWICE A YEAR TO RECEIVE FEEDBACK ON AND DISCUSS ANY NEEDED CHANGES TO THE EID PROGRAM; AND

(2) REQUEST FEEDBACK FROM THE COALITION BEFORE PROVIDING ANY INFORMATION OR MATERIALS ON THE EID PROGRAM TO THE PUBLIC.

~~(H)~~ (G) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR ANY AMENDMENTS TO THE STATE PLAN, WAIVERS, OR OTHER FEDERAL APPROVALS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2024, the Maryland Department of Health shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on the fiscal and operational impact of the following:

(1) implementing an Employed Individuals with Disabilities Program that serves individuals age 65 and older, including options of eliminating or increasing the age cap with enrollment; and

(2) establishing a premium contribution for EID Program services that is based on an applicant's earned and unearned income.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.