

HOUSE BILL 1445

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CF SB 742

By: **Delegates Wolek, Bagnall, Barnes, Cullison, Foley, Forbes, Fraser-Hidalgo, Guyton, Kaufman, Solomon, Spiegel, Stinnett, Vogel, Wims, Woorman, ~~and Young~~ Young, Guzzone, Hill, Hutchinson, S. Johnson, Kipke, Lopez, Martinez, Rosenberg, Taveras, ~~and White Holland~~ White Holland, and Roberts**

Introduced and read first time: February 13, 2026

Assigned to: Health

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 23, 2026

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program and Developmental Disabilities**
3 **Administration – Home– and Community–Based Services Eligibility**
4 **Determinations**
5 **(Maryland Protecting People With Disabilities Act)**

6 FOR the purpose of altering the time within which an individual receiving services from
7 the Developmental Disabilities Administration must appeal a loss of eligibility for
8 services; establishing requirements related to eligibility determinations and
9 redeterminations under the Maryland Medical Assistance Program; requiring the
10 Maryland Department of Health to provide certain accessible information to
11 Program recipients and any other individuals on request; prohibiting the
12 Department from procedurally disenrolling individuals from the Program or
13 home– and community–based services solely on a certain basis except under certain
14 circumstances; requiring the Department, subject to federal approval, to reserve
15 certain home– and community–based services waiver slots for Program recipients
16 who lost eligibility under certain circumstances; and generally relating to
17 determinations of eligibility for home– and community–based services.

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 7–309(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2023 Replacement Volume and 2025 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Health – General
5 Section 15–101(a), (h), and (i)
6 Annotated Code of Maryland
7 (2023 Replacement Volume and 2025 Supplement)

8 BY adding to
9 Article – Health – General
10 Section 15–103.9
11 Annotated Code of Maryland
12 (2023 Replacement Volume and 2025 Supplement)

13 Preamble

14 WHEREAS, The landmark decision of the U.S. Supreme Court in *Olmstead v. L.C.*
15 *ex rel. Zimring*, 527 U.S. 581 (1999) affirmed that unjustified segregation of individuals
16 with disabilities constitutes discrimination in violation of Title II of the federal Americans
17 with Disabilities Act; and

18 WHEREAS, The *Olmstead* decision established that people with disabilities have
19 the right to receive services in the most integrated setting appropriate to their needs and
20 that states must provide community–based services when such services are appropriate,
21 desired by the individual, and can be reasonably accommodated; and

22 WHEREAS, Individuals with ~~intellectual and developmental~~ disabilities are vital
23 members of Maryland’s communities, contributing meaningfully in workplaces, classrooms,
24 places of worship, neighborhoods, and civic life across the State; and

25 WHEREAS, The State of Maryland has demonstrated a longstanding commitment
26 to community inclusion by ~~closing nearly all large public institutions for people with~~
27 ~~intellectual and developmental disabilities and~~ investing in supports that allow
28 Marylanders with disabilities to live, work, and thrive in the communities of their choosing,
29 with people they choose; and

30 ~~WHEREAS, Despite this progress, barriers remain when administrative~~
31 ~~inefficiencies and delays in Medicaid eligibility determinations or redeterminations cause~~
32 ~~individuals to lose critical home and community-based services or remain~~
33 ~~institutionalized after they are medically ready for discharge; and~~

34 WHEREAS, Ensuring timely Medicaid eligibility determinations, preventing
35 procedural terminations, and protecting continuity of home– and community–based
36 services coverage are necessary to fulfill the promise of *Olmstead* and uphold Maryland’s
37 commitment to dignity, inclusion, and equality for all people with disabilities; and

1 WHEREAS, Maryland law requires the Developmental Disabilities Administration
2 and the Department of Disabilities to compile statewide and regional data from written
3 plans of habilitation, including barriers to community placement, and to incorporate the
4 data annually into the State's Olmstead Plan together with recommendations for
5 addressing those barriers; now, therefore,

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

8 **Article – Health – General**

9 7–309.

10 (b) (1) An individual receiving Administration services who receives notice
11 from the Department that the individual has lost eligibility to receive Maryland Medical
12 Assistance Program services [shall have 90 days after the date on which the notification
13 letter was mailed to] **MAY** appeal the determination.

14 (2) If an individual appeals a loss of eligibility within the time period
15 required under [paragraph (1) of this subsection] **§ 42 C.F.R. 431.231**, Administration
16 services for the individual shall continue uninterrupted until the outcome of the appeal is
17 complete.

18 (3) The Department shall ensure that providers of Administration services
19 to an individual affected by a loss of eligibility are notified of the individual's loss of
20 eligibility when notice is sent to the individual.

21 (4) The Department shall ensure that providers, including coordinators of
22 community services, have the ability to automatically exchange electronic data with the
23 Department through an application program interface with the Department's Long Term
24 Services and Supports software system.

25 15–101.

26 (a) In this title the following words have the meanings indicated.

27 (h) "Program" means the Maryland Medical Assistance Program.

28 (i) "Program recipient" means an individual who receives benefits under the
29 Program.

30 **15–103.9.**

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

1 **(2) “EX PARTE REDETERMINATION” MEANS A PROCESS BY WHICH**
2 **THE DEPARTMENT DETERMINES A PROGRAM RECIPIENT’S ELIGIBILITY TO**
3 **CONTINUE TO RECEIVE SERVICES USING EXISTING DATA, WITHOUT REQUIRING THE**
4 **PROGRAM RECIPIENT TO SUBMIT ADDITIONAL INFORMATION.**

5 **(3) “HOME- AND COMMUNITY-BASED SERVICES” MEANS SERVICES**
6 **AUTHORIZED UNDER A MEDICAID STATE PLAN OPTION OR WAIVER UNDER § 1115**
7 **OR § 1915(C), (I), OR (K) OF THE FEDERAL SOCIAL SECURITY ACT.**

8 **(4) “PROCEDURAL DISENROLLMENT” MEANS THE TERMINATION OF A**
9 **PROGRAM RECIPIENT’S ELIGIBILITY TO RECEIVE SERVICES BASED ON REASONS**
10 **RELATED TO THE RENEWAL PROCESS AND NOT ON A DETERMINATION OF**
11 **INELIGIBILITY.**

12 **(B) THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF 42**
13 **C.F.R. § 435.912 RELATED TO THE TIMELY DETERMINATION AND**
14 **REDETERMINATION OF PROGRAM ELIGIBILITY, INCLUDING PROCESSING AN**
15 **APPLICATION:**

16 **(1) IF A DETERMINATION OF DISABILITY IS NOT REQUIRED, WITHIN**
17 **45 DAYS AFTER THE RECEIPT OF THE APPLICATION; AND**

18 **(2) IF A DETERMINATION OF DISABILITY IS REQUIRED, WITHIN 90**
19 **DAYS AFTER THE RECEIPT OF THE APPLICATION.**

20 **(C) THE DEPARTMENT SHALL CONDUCT EX PARTE REDETERMINATIONS**
21 **AND USE ALL PROCEDURES AUTHORIZED UNDER 42 C.F.R. § 435.916 TO PREVENT**
22 **PROCEDURAL DISENROLLMENT OF INDIVIDUALS RECEIVING HOME- AND**
23 **COMMUNITY-BASED SERVICES.**

24 **(D) IN ACCORDANCE WITH 42 C.F.R. § 435.905 AND SUBJECT TO**
25 **SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE, IN**
26 **ELECTRONIC AND PAPER FORMATS, AND ORALLY AS ~~APPROPRIATE~~ AN**
27 **ACCOMMODATION, THE FOLLOWING INFORMATION TO ALL APPLICANTS AND OTHER**
28 **INDIVIDUALS ON REQUEST:**

29 **(1) REQUIREMENTS FOR PROGRAM ELIGIBILITY;**

30 **(2) AVAILABLE PROGRAM SERVICES; AND**

31 **(3) THE RIGHTS AND RESPONSIBILITIES OF APPLICANTS AND**
32 **PROGRAM RECIPIENTS.**

1 (E) (1) THE DEPARTMENT SHALL PROVIDE THE INFORMATION
2 REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IN PLAIN LANGUAGE AND IN A
3 MANNER THAT IS TIMELY AND ACCESSIBLE TO INDIVIDUALS WHO ARE:

4 (I) LIMITED ENGLISH PROFICIENT THROUGH THE PROVISION
5 OF LANGUAGE SERVICES, INCLUDING ORAL INTERPRETATION AND WRITTEN
6 TRANSLATIONS, AT NO COST TO THE INDIVIDUAL; OR

7 (II) LIVING WITH DISABILITIES THROUGH THE PROVISION OF
8 AUXILIARY AIDS AND SERVICES AT NO COST TO THE INDIVIDUAL IN ACCORDANCE
9 WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT AND § 504 OF THE
10 FEDERAL REHABILITATION ACT OF 1973.

11 (2) THE DEPARTMENT SHALL PROVIDE TAGLINES IN NON-ENGLISH
12 LANGUAGES TO INFORM INDIVIDUALS OF:

13 (I) THE AVAILABILITY OF THE ACCESSIBLE INFORMATION AND
14 LANGUAGE SERVICES UNDER THIS SECTION; AND

15 (II) HOW TO ACCESS THE INFORMATION AND SERVICES.

16 (F) ~~IF THE DEPARTMENT DETERMINES THAT THE INFORMATION~~
17 ~~NECESSARY TO CONFIRM A PROGRAM RECIPIENT'S ELIGIBILITY TO CONTINUE TO~~
18 ~~RECEIVE SERVICES IS INCOMPLETE, THE DEPARTMENT SHALL CONTINUE TO~~
19 ~~PROVIDE THE HOME AND COMMUNITY-BASED SERVICES AND OTHER SERVICES~~
20 ~~UNDER THE PROGRAM UNTIL THE PROGRAM RECIPIENT HAS EXHAUSTED ALL DUE~~
21 ~~PROCESS RIGHTS AND A FINAL DETERMINATION IS ISSUED.~~

22 ~~(G)~~ (1) IF A PROGRAM RECIPIENT IS PROCEDURALLY DISENROLLED
23 FROM HOME- AND COMMUNITY-BASED SERVICES DUE TO A FAILURE BY THE
24 DEPARTMENT TO REDETERMINE ELIGIBILITY IN A TIMELY MANNER ~~AND THE DELAY~~
25 ~~IN THE REDETERMINATION WAS NO FAULT OF THE PROGRAM RECIPIENT~~ AFTER THE
26 RECIPIENT HAS TIMELY RETURNED INFORMATION REQUIRED UNDER 42 C.F.R §
27 435.916(B)(2)(1)(B) AND 42 C.F.R § 435.952(C), THE DEPARTMENT SHALL
28 REINSTATE THE PROGRAM RECIPIENT'S ELIGIBILITY AND THE PROVISION OF
29 HOME- AND COMMUNITY-BASED SERVICES AND AUTHORIZE ENROLLMENT
30 RETROACTIVELY TO THE DATE OF DISENROLLMENT PENDING THE DEPARTMENT'S
31 COMPLETION OF THE REDETERMINATION PROCESS.

32 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE
33 DEPARTMENT'S AUTHORITY OR DIMINISH THE DEPARTMENT'S RESPONSIBILITY TO
34 REINSTATE THE ELIGIBILITY OF AND THE PROVISION OF HOME- AND
35 COMMUNITY-BASED SERVICES TO A PROGRAM RECIPIENT WHO HAS BEEN

1 DISENROLLED FOR A REASON OTHER THAN A FAILURE BY THE DEPARTMENT TO
 2 REDETERMINE ELIGIBILITY IN A TIMELY MANNER.

3 ~~(H)~~ (G) SUBJECT TO FEDERAL APPROVAL, THE DEPARTMENT SHALL
 4 RESERVE ~~A PORTION OF THE PARTICIPANT~~ CAPACITY IN ~~THE~~ HOME- AND
 5 COMMUNITY-BASED SERVICES ~~WAIVER UNDER § 1915(C) OF THE FEDERAL SOCIAL~~
 6 ~~SECURITY ACT~~ WAIVERS FOR SERVICES NEEDED BY PROGRAM RECIPIENTS WITH
 7 DEVELOPMENTAL DISABILITIES WHO:

8 (1) WERE DISENROLLED FROM THE MARYLAND MEDICAID HOME
 9 AND COMMUNITY-BASED SERVICES WAIVER PROGRAM ON OR AFTER JANUARY 1,
 10 2024;

11 (2) HAVE HAD PROGRAM ELIGIBILITY REINSTATED; AND

12 (3) HAVE REQUESTED THE REINSTATEMENT OF WAIVER SERVICES.

13 ~~(I) THE DEPARTMENT MAY NOT PLACE AN INDIVIDUAL ON A WAITING LIST~~
 14 ~~OR REQUIRE A NEW WAIVER APPLICATION IF THE DISENROLLMENT OF THE~~
 15 ~~INDIVIDUAL RESULTED FROM A DELAY OR AN ERROR BY THE DEPARTMENT.~~

16 ~~(J)~~ (H) (1) THE DEPARTMENT MAY NOT PROCEDURALLY DISENROLL
 17 AN INDIVIDUAL FROM THE PROGRAM OR HOME- AND COMMUNITY-BASED SERVICES
 18 SOLELY BASED ON MISSING DOCUMENTATION, A MISSING SIGNATURE, OR
 19 INCOMPLETE INFORMATION UNLESS THE DEPARTMENT HAS:

20 (I) EXHAUSTED ALL EX PARTE VERIFICATION PROCESSES
 21 REQUIRED UNDER 42 C.F.R. § 435.916;

22 (II) PROVIDED A CLEAR, SPECIFIC, AND ACCESSIBLE WRITTEN
 23 NOTICE IDENTIFYING THE EXACT INFORMATION REQUIRED; AND

24 (III) PROVIDED THE PROGRAM RECIPIENT WITH A REASONABLE
 25 OPPORTUNITY TO SUPPLY THE INFORMATION; ~~AND~~

26 ~~(IV) VERIFIED THAT THE INDIVIDUAL RECEIVED THE NOTICE~~
 27 ~~REQUIRED UNDER ITEM (II) OF THIS PARAGRAPH AND DOCUMENTED THE~~
 28 ~~VERIFICATION.~~

29 (2) IF THE DEPARTMENT VIOLATES PARAGRAPH (1) OF THIS
 30 SUBSECTION, A PROGRAM RECIPIENT'S HOME- AND COMMUNITY-BASED SERVICES
 31 SHALL CONTINUE WITHOUT INTERRUPTION.

1 ~~(K)~~ **(I)** **IF THE DEPARTMENT DISENROLLS A PROGRAM RECIPIENT IN**
2 **VIOLATION OF THIS SECTION, THE DEPARTMENT SHALL:**

3 **(1) AUTOMATICALLY REINSTATE PROGRAM AND HOME- AND**
4 **COMMUNITY-BASED SERVICES RETROACTIVE TO THE DATE OF DISENROLLMENT;**
5 **AND**

6 **(2) TREAT THE PROGRAM RECIPIENT AS CONTINUOUSLY ENROLLED.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 Article – Health – General

10 15-103.9.

11 ~~(H)~~ **(J)** **(1) ON OR BEFORE JANUARY 1, 2027, AND QUARTERLY**
12 **THEREAFTER, THE DEPARTMENT SHALL:**

13 **(I) SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE**
14 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, A REPORT REGARDING**
15 **PROGRAM RECIPIENTS WHO RECEIVE HOME- AND COMMUNITY-BASED SERVICES;**
16 **AND**

17 **(II) POST EACH REPORT SUBMITTED UNDER ITEM (I) OF THIS**
18 **PARAGRAPH ON THE DEPARTMENT’S WEBSITE.**

19 **(2) THE REPORTS REQUIRED UNDER PARAGRAPH (1) OF THIS**
20 **SUBSECTION SHALL INCLUDE:**

21 **(I) THE TOTAL NUMBER OF PROGRAM RECIPIENTS FOR WHOM**
22 **A REDETERMINATION OF ELIGIBILITY WAS INITIATED;**

23 **(II) THE TOTAL NUMBER OF PROGRAM RECIPIENTS FOR WHOM**
24 **PROGRAM COVERAGE IS RENEWED;**

25 **(III) OF THE PROGRAM RECIPIENTS WHOSE ELIGIBILITY IS**
26 **RENEWED, THE TOTAL NUMBER WHOSE COVERAGE WAS RENEWED BASED ON AN EX**
27 **PARTE REDETERMINATION;**

28 **(IV) THE TOTAL NUMBER OF PROGRAM RECIPIENTS WHOSE**
29 **ELIGIBILITY WAS REINSTATED IN ACCORDANCE WITH SUBSECTION (F) OF THIS**
30 **SECTION;**

1 ~~(IV)~~ (V) THE TOTAL NUMBER OF PROGRAM RECIPIENTS
2 WHOSE ELIGIBILITY WAS TERMINATED;

3 ~~(V)~~ (VI) THE TOTAL NUMBER OF PROGRAM RECIPIENTS
4 WHOSE ELIGIBILITY WAS TERMINATED FOR PROCEDURAL REASONS;

5 (VII) THE TOTAL NUMBER OF PROGRAM RECIPIENTS WHOSE
6 ELIGIBILITY WAS TERMINATED DUE TO A FAILURE BY THE DEPARTMENT TO
7 REDETERMINE ELIGIBILITY IN A TIMELY MANNER; AND

8 ~~(VI)~~ (VIII) THE MEAN AND MEDIAN PROCESSING TIMES FOR
9 REDETERMINATIONS OF ELIGIBILITY.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2026. Section 2 of this Act shall remain effective for a period of 3 years and, at
12 the end of September 30, 2029, Section 2 of this Act, with no further action required by the
13 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.