

# SENATE BILL 742

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CF HB 1445

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By: **Senators Guzzone and Zucker**

Introduced and read first time: February 6, 2026

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2026

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## 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)  
21 Annotated Code of Maryland  
22 (2023 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, without amendments,

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### 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 Article – Health – General  
2 Section 15–101(a), (h), and (i)  
3 Annotated Code of Maryland  
4 (2023 Replacement Volume and 2025 Supplement)

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

10 Preamble

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

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

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

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

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

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

35 WHEREAS, Maryland law requires the Developmental Disabilities Administration  
36 and the Department of Disabilities to compile statewide and regional data from written  
37 plans of habilitation, including barriers to community placement, and to incorporate the

1 data annually into the State's Olmstead Plan together with recommendations for  
2 addressing those barriers; now, therefore,

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

5 **Article – Health – General**

6 7–309.

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

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

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

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

22 15–101.

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

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

25 (i) "Program recipient" means an individual who receives benefits under the  
26 Program.

27 **15–103.9.**

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

30 **(2) "EX PARTE REDETERMINATION" MEANS A PROCESS BY WHICH**  
31 **THE DEPARTMENT DETERMINES A PROGRAM RECIPIENT'S ELIGIBILITY TO**

1 CONTINUE TO RECEIVE SERVICES USING EXISTING DATA, WITHOUT REQUIRING THE  
2 PROGRAM RECIPIENT TO SUBMIT ADDITIONAL INFORMATION.

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

6 (4) "PROCEDURAL DISENROLLMENT" MEANS THE TERMINATION OF A  
7 PROGRAM RECIPIENT'S ELIGIBILITY TO RECEIVE SERVICES BASED ON REASONS  
8 RELATED TO THE RENEWAL PROCESS AND NOT ON A DETERMINATION OF  
9 INELIGIBILITY.

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

14 (1) IF A DETERMINATION OF DISABILITY IS NOT REQUIRED, WITHIN  
15 45 DAYS AFTER THE RECEIPT OF THE APPLICATION; AND

16 (2) IF A DETERMINATION OF DISABILITY IS REQUIRED, WITHIN 90  
17 DAYS AFTER THE RECEIPT OF THE APPLICATION.

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

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

27 (1) REQUIREMENTS FOR PROGRAM ELIGIBILITY;

28 (2) AVAILABLE PROGRAM SERVICES; AND

29 (3) THE RIGHTS AND RESPONSIBILITIES OF APPLICANTS AND  
30 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,~~ THE  
26 DEPARTMENT SHALL REINSTATE THE PROGRAM RECIPIENT'S ELIGIBILITY AND THE  
27 PROVISION OF HOME- AND COMMUNITY-BASED SERVICES AND AUTHORIZE  
28 ENROLLMENT RETROACTIVELY TO THE DATE OF DISENROLLMENT PENDING THE  
29 DEPARTMENT'S COMPLETION OF THE REDETERMINATION PROCESS.

30 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE  
31 DEPARTMENT'S AUTHORITY OR DIMINISH THE DEPARTMENT'S RESPONSIBILITY TO  
32 REINSTATE THE ELIGIBILITY OF AND THE PROVISION OF HOME- AND  
33 COMMUNITY-BASED SERVICES TO A PROGRAM RECIPIENT WHO HAS BEEN  
34 DISENROLLED FOR A REASON OTHER THAN A FAILURE BY THE DEPARTMENT TO  
35 REDETERMINE ELIGIBILITY IN A TIMELY MANNER.

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

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

9            (2)        HAVE HAD PROGRAM ELIGIBILITY REINSTATED; AND

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

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

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

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

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

22            (III)        PROVIDED THE PROGRAM RECIPIENT WITH A REASONABLE  
 23 OPPORTUNITY TO SUPPLY THE INFORMATION; AND

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

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

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



1                   ~~(v)~~ (VI)     THE TOTAL NUMBER OF PROGRAM RECIPIENTS  
2 WHOSE ELIGIBILITY WAS TERMINATED FOR PROCEDURAL REASONS;

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

6                   ~~(v)~~ (VIII)   THE MEAN AND MEDIAN PROCESSING TIMES FOR  
7 REDETERMINATIONS OF ELIGIBILITY.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.