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Joint Committee on
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 12, 2021

Senate Finance Committee

Senate Bill 441 - Developmental Disabilities Administration – Self-Directed Services

This is vital legislation to pass in the face of COVID-19, but it is also essential and a common sense practice during so-called normal circumstances for some of Maryland's most amazing yet vulnerable individuals and their families. Senate Bill 441 makes certain that Marylanders with disabilities can self-direct their care with the assistance of family and in the comfort of more affordable accommodation of their home, instead of being institutionalized, isolated and vulnerable to COVID-19. The bill provides definitions for self-directed care and support brokers, further clarifying the responsibilities and abilities of this vital role. SB441 also creates an advisory council to resolve issues in self-directed care.

At its heart, self-direction allows an individual to be involved in all areas affecting their lives. In 2005 Maryland created the New Directions waiver, an independent plus program, to ensure that residents with developmental disabilities may self-direct their lives. The concept was to include self-direction day-to-day care, hiring of employees, and allocation of funds. However, since 2013, these changes have been consistently and considerably reduced. Over the years, self-directed individuals lost the availability for overnight support, had individual transportation options reduced, which affected the ability to attend life-enriching events, and funding has been restricted for therapies like art and riding programs.

The Centers for Medicare and Medicaid allow much flexibility for individuals to direct all areas of service delivery. The Maryland Department of Health's DDA, with the before mentioned changes and reductions, has removed much control of how services are provided and by whom. Recent years have shown the support broker work reduced to that of serving in a human resources role, or financial counseling. Such reduction in the scope of their work contradicts the

CMS description of the support broker as a consultant/counselor/agent who takes direction from the individual and provides the services and supports to sustain them as they direct their services. SB441 mimics this description. The oversight of a Support Broker is essential to be codified, so that the charge and scope of their responsibility is clearly spelled out as well as the consequences for neglecting their duty to the individuals that they serve.

The bill creates the State Advisory Council on Self-Directed Services to examine policies, procedures, and proposals related to self-directed services. The council will make recommendations to improve the process, receive input from individuals receiving services, track services and supports throughout the state, conduct an annual survey of the service process, and review and make recommendations on the services provided to individuals. The composition of the Advisory Council may be staffed with existing resources.

MDH raised some concerns that our legislation creates “unreasonable operational challenges contrary to recommendations from Office of Legislative Audits.” Head Auditor Gregory Hook provided Delegate Lewis-Young, sponsor of cross-file HB 318, with a letter that stated absence of conflict between the bill and OLA recommendation. A second concern of the MDH was also the creation of a new waiver, which this bill does not mandate, only allow if deemed desirable. A third issue raised by MDH is the involvement of self-directed individuals’ feedback throughout the waiver revision process. The audit demonstrating problems should not be used as an excuse to offshore those problems to others, it should be a call to action to confront them, this bill is that call to action. A legislative policy proposal based not only on the identified faults, but the intended goal and outcome of the program itself.

There is nothing in this bill to jeopardize the federal match, because this has been done under other waivers. At its core, this bill merely restores the original intent of the New Directions waiver and empowers the participants to again self-direct to the full ability intended. Therefore, I respectfully request your favorable vote for SB441.