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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 8, 2022

Senate Finance Committee

Senate Bill 867 - FAVORABLE - Maryland Medical Assistance Program – Employed Individuals with Disabilities Program – Requirements (Equal Love for Employees with Disabilities Act)

SB 867 is legislation that is a result of years of work with the Maryland Department of Health, and follows the lead of New Jersey that just passed legislation a few months ago to accomplish the same goal, to ensure eligible participants in the Employed Individuals with Disabilities waiver program can get married without fear that they will no longer be able to participate in the essential services of the program. The Department has already put aside enough money to pay for the increased levels in their budget request, we surmise that their enrollee growth projections were unrealistic with their threshold changes and will not lead to the anticipated growth without broader provisions that we are proposing in this legislation. Further, this bill eliminates the forced retirement age of 65, because this population should be able to save for their retirement as long as they are able to work, as their retirement costs are obviously substantially higher than the average Marylander.

First let me highlight the dedication of DDA and MHA staff to the EID enrollees such as Josh Basile (who you may recognize from a legislative effort last term) and others who fear EID availability will be taken away from them as they seek to get married and earn more money for their families. Over the past several years we have met with the Secretary and staff dozens of times to discuss this policy space. In that discussion space many common value judgments were made about the ability to get married and maintain eligibility, but of course, the policy of a single administration is not as strong as a codified provision in law, so we are here because as the last session of this administration, it makes common sense to project the availability of this waiver program into the future. Subsequent administrations can build off of this law, but current and potential EID participants should not have to wait for the music to stop to find a chair. We should know the outlines of the program and set the enrollee projections with those value judgments, we should not lead with numbers that are unreliable to make these important decisions. EID enrollees deserve accurate numbers and analysis. This legislation is their life.

The Willing to Work Coalition has evaluated the assumptions in the fiscal note and agrees with the DLS's hesitancy to adopt MDH's analysis. The EID enrollment rate is not going to double but it may grow by 26.6% in the first 12 months after the enactment of this bill, based on the growth in Washington State after a similar provision was adopted there. We are yet to see what the projections in New Jersey will be but they noted in their analysis prior to the passage of their bill that the numbers cannot be reliable because the lack of info as to how many spouses are ineligible because of this marriage threshold in place. If numbers can't guide us here, we propose using our values as a guide. People should be encouraged to get married, not prevented from it because they desperately need resources that are prohibited if they trigger the higher married income limit. Even if they are eligible under the change in the budget language, they might not be able to afford the new higher premium. This is a critical service we are talking about and not a luxury good. Nursing services for this population is the difference between a fulfilling life and the fear of institutionalization away from family or real pleasures of life.

The fiscal note talks about projections of 1200 enrollees, from the current level of about 850 now. At a 26.6% growth rate, that only reaches 226 new enrollees or 1,076 total, below the threshold for which MHA has allocated funds to pay for the projected costs of the growth. So this is all paid for in the budget language!

While we are appreciative of the Department, the current Secretary, past Secretary and current deputy Secretary, I would be remiss to not point out that I was before you last term with a bill to create a pilot program for this population. Instead of having that in place for the last 5 years, language was put into that bill to disincentives any participation and it even blocked the population we were trying to protect. That was language offered by the Department, and we accepted it in good faith, knowing they understood our intent of the program. However, they either misunderstood that intent or were careless because as it read, that legislation [would not apply to people not currently in EID](#). That was beyond disappointing, as it was supposed to be a friendly amendment that was offered at the last minute to "resolve" concerns. It was my fault we missed this provision, but it shows the Department may have good intentions, but sometimes the values we lead with are more important than the numbers we rely on. So going forward, I am going to verify and not trust any potential amendments to this effort, because the population we are talking about deserves more than lip service. They need real services.

For these reasons I respectfully request a favorable report on SB 867, the Equal Love for Employees with Disabilities Act.