

# **SB867 Testimony Support A letter.pdf**

Uploaded by: Benjamin Temin

Position: FAV

# Employed Individuals with Disabilities Program

## Testimony on SB867

### Equal Love for Employees with Disabilities Act

Position: **FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

My name is Benjamin Temin, and I'm a resident of Baltimore City. I am a certified work-incentives planner who works with social security disability beneficiaries who are seeking to enter or re-enter the workforce. This population is greatly impacted by the Employed Individuals with Disabilities (EID) Program.

SB867 amends the requirements for EID eligibility under The Maryland Department of Health. Under the current eligibility criteria, enrollees face restrictive limits on earnings from wages, saving responsibly, and loving freely. Existing rules punish employed Marylanders with disabilities wishing to pursue marriage and force enrollees requiring Medicaid services to retire at age 65 years old.

When individuals receiving social security consider employment, one of the main concerns is maintaining health coverage. There are many factors which discourage them from participating in the workforce, and EID is one of the best programs to encourage them to seek employment with confidence. However, for those over age 65 it is not an option. More and more older Americans need and want to work, and they often have higher medical expenses. The more SSA beneficiaries are gainfully employed, the burden on SSA and other public entitlements are reduced.

The "Equal Love for Employees with Disabilities Act" bill allows employed Marylanders with Disabilities to have a quality and fulfilling work and family life. SB867 affords Employed Individuals with Disabilities, meaningful opportunities for competitive career advancements and marriage, without the fear of losing medical benefits.

In January 2022, New Jersey Governor Murphy signed S3455/A5262 into law nearly identical eligibility requirements within the NJ Workability Program.

I respectfully urge this committee to demonstrate its commitment to Employed Marylanders with Disabilities by **issuing a favorable report to SB867**.

Sincerely,

**Benjamin Temin, WIP-C, M.Ed., CRC**  
**Jewish Community Services**  
**240-505-0292**

# Testimony on SB867 - John Michaels.pdf

Uploaded by: John Michaels

Position: FAV

## Testimony on SB867

My name is John Michaels, and I'm a C6-7 Quadriplegic. I have used the Employed Individuals with Disabilities (EID) since it has been offered in Maryland. Before EID, I was not able to take raises because I would have lost my Medical Assurances. But, since EID, I was able to work off on my disability benefits, and become gainfully employed, and advance in the workforce to become the Assistance Director of a Center for Independent Living. Currently, I am facing the same issues as when I first started working, because I must choose between my benefits, and marriage. I have been working with the State through the Willing to Work coalition to change rules but based on the proposed recommendations from The Department of Health, if I would get married, my spouse's income would be considered for my monthly premium. Presently, my monthly premium is \$55, and if I would marry, my premium would be approximately \$648 monthly. I would spend over \$7,000 extra a year. Financially, that is more than I can afford, so I would choose not to marry. This would be very disappointing that would have to choose to stay single, and live with the person I love, because this Medicaid Program pays for important things like my power wheelchair, and a personal assistant to help with my aids for daily living (ADL's). Being a Quadriplegic, I need help with things like dressing, grooming, hygiene, bathing, and toileting. Other obstacles I face with the current EID regulations is limited resources I can have saved, and the current age limit of the Program is 65. I have extra medical expenses that Medicaid does not cover, and the expense of upkeep of a wheelchair accessible vehicle. I can only have \$10,000 in assets. I try to save for these unforeseen expenses because they are expensive. Lastly, I am currently 46 years old, and with the current regulations, I would not be eligible for EID when I turn 65. This would not only be detrimental to me financially, but medically as well. Living the life as a Quadriplegic is very stressful, and the obstacles we face every day is challenging, but I do what I can to the best of my ability to live the best life I can.

My fiancée Lori and I have been together for almost seven years, and when I proposed to her four years ago, I was committed to have her as my wife. We lost Lori's mother two years ago to multiply sclerosis, and her birthday this year is Saturday, October 15 2022. This is the day we would love to be married, and share our wedding day with the memory of her mother. But this will only happen of the passing of SB867. With your support of SB867, we will be one step closer to our dream. Thank you for your time.

John Michaels  
District 1B  
12108 Vale Summit Rd  
Frostburg, MD 21532  
301-723-0427

# **SB867 Testimony Support A letter.pdf**

Uploaded by: john shatto

Position: FAV

# Employed Individuals with Disabilities Program

## Testimony on SB867

### Equal Love for Employees with Disabilities Act

Position: **FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

My name is John Shatto, and I'm a resident of Frederick County and work in Montgomery and Anne Arundel Counties. I am a certified disability benefit counselor and also provide free benefit counseling to the public who are impacted by the Employed Individuals with Disabilities (EID) Program.

SB867 amends the requirements for EID eligibility under The Maryland Department of Health. Under the current eligibility criteria, enrollees face restrictive limits on earnings from wages, saving responsibly, and loving freely. Existing rules punish employed Marylanders with disabilities wishing to pursue marriage and force enrollees requiring Medicaid services to retire at age 65 years old.

I work with the disabled, low income and homeless. For these persons it is nearly impossible to get and keep Medicaid while working. Medicaid is often critical not only for general health concerns but also for medications that allow a person to continue work or move to full time work. Many of my clients want to work and attain the accomplishments available to most of us like renting a place to live, buying a car, and economic security.

The "Equal Love for Employees with Disabilities Act" bill allows employed Marylanders with Disabilities to have a quality and fulfilling work and family life. SB867 affords Employed Individuals with Disabilities, meaningful opportunities for competitive career advancements and marriage, without the fear of losing medical benefits.

In January 2022, New Jersey Governor Murphy signed S3455/A5262 into law nearly identical eligibility requirements within the NJ Workability Program.

I respectfully urge this committee to demonstrate its commitment to Employed Marylanders with Disabilities by **issuing a favorable report to SB867**.

Sincerely,

John F. Shatto

[johnfshatto@gmail.com](mailto:johnfshatto@gmail.com)

240-549-3570

9796 Chestnut Oak Court

Frederick, MD 21701

**SB 867 – Written Testimony Josh Basile – March 8,**

Uploaded by: Josh Basile

Position: FAV

Employed Individuals with Disabilities Program  
Testimony on SB 867  
Equal Love for Employees with Disabilities Act  
Position: FAVORABLE

March 8, 2022

Dear Chairwoman Kelley and Esteemed Senate Finance Committee Members:

My name is Josh Basile and I am submitting written testimony in support of SB 867 Equal Loving for Employees with Disabilities Act.

I became a power wheelchair user paralyzed below my shoulders as a teenager when a wave picked me up and slammed me headfirst against the ocean floor breaking my neck. I spent the first four weeks at the University of Maryland Baltimore Shock Trauma critical unit, where I could not speak because of a ventilator helping me to breathe. When I regained my voice, I decided that every word from that moment on would be made with purpose. That day I became an advocate for life and since then I have never stopped wheeling after my dreams of pursuing an education, becoming employed, falling in love, and starting a family.

After eight years of receiving vocational assistance and supports from Maryland's Division of Rehabilitation Services, I made it onto their website as a Spotlight Success Story. During this time, I returned to school, first at a community college, then graduated cum laude from the University of Maryland College Park, and ultimately graduated magna cum laude from law school. Soon after graduating, I passed the bar and successfully gained employment in 2013.

At this time, I enrolled in the Employed Individuals with Disabilities program known as EID. After diving deeper into the EID program rules, it was upsetting to learn that my future would be greatly limited and impacted by strict EID thresholds on earnings, saving responsibly, and equal loving for those wishing to pursue marriage. I learned that if I had an income at or below 300% of the federal poverty level, saved more than \$10,000 for a rainy day, or if I were to get married to a spouse with a job, I would lose all of my Medicaid and caregiving supports. I learned that EID enrollees that fall in love are told to get happily divorced or remain as cohabitated partners for life in order to maintain EID and Medicaid eligibility. I also learned that I would be forced to retire at age 65 because of eligibility rules.

To overcome these barriers, I chose to proactively advocate for my future and other Marylanders with disabilities wishing to work. I first turned to Governor Hogan and asked for his support to change the current policy and limits through administrative rule changes. He was receptive and for the last four years, I've been working closely with his administration and other stakeholder groups to make much-needed changes. Over 15 meetings took place with high-level administration officials having a seat at the table.

In September 2021, the State agreed to remove all income and asset limits but would not remove spousal income from premium determinations or the age 65 rule. These changes were contingent on securing appropriations. In January 2022, the administration formally requested appropriations within the proposed budget with at least \$4.6 million being added to the EID program in fiscal 2023.



One week prior to the appropriations being requested, the Governor of New Jersey signed into law policies that would remove all income limits, remove all assets limits, remove spousal inclusion, and remove the age 65 rule. In order to prevent the Maryland rules from changing from administration to administration, Senator Lee of District 16 determined that it would be important to codify the rule changes to mirror the New Jersey law which puts forward good public policy going beyond what the administration was willing to agree to.

The Maryland Department of Health believes that their recommended changes removing income limits and asset limits would likely increase the EID program by an additional 1200 enrollees. It is important to remember that the State projected enrollment when the EID program first rolled out to increase to 2000 enrollees within the first year. Today, over 15 years later there are only around 850 EID enrollees. This clearly illustrates that the restrictive EID rules have limited EID enrollment over the years. Improving the rules is not going to immediately result in thousands of new enrollees. Finding a job is not easy and finding a job with a disability is even harder.

Please see the attached document found on page 3 and page 4 created by the Willing to Work coalition, which I am a founding member of. This analysis dives deeper into program enrollment and cost estimates and projections based on Washington State and available Maryland data points.

For myself and many other Marylanders with disabilities that rely on the EID program to live healthy, meaningful, and fulfilling lives, both SB 867 and the New Jersey law turn the far-off dream of marriage and career advancement without limits into a reality. I remain dreaming of the day when I marry the love of my life. Even though EID has put a hard pause on my marriage plans with my fiancée, Katie, it did not stop us from starting a family together out of marriage. Twelve days ago, I became a daddy to a healthy 6-pound 12-ounce baby boy. I can't wait to wheel down the aisle with Calder in my lap, with my beautiful stepdaughter as the flower bearer, and to exchange vows and say I do.

In addition, SB 867 includes a provision that allows workers with disabilities to save their work earnings while enrolled in the EID program and not have those savings count against asset limits for other Medicaid eligibility groups in the future. If an EID enrollee were to lose their job, retire, or be unable to work for a prolonged period of time because of an illness or health conditions, thereby causing them to lose EID eligibility, then they could enroll in a different Medicaid eligibility group without having to spend the money they saved while they were enrolled in EID. This would allow the individual to maintain Medicaid eligibility and existing caregiving supports and not be penalized for saving responsibly.

With your support and Finance Committee approval of SB 867, I and many others will be one step and wheel rotation closer to making the way down the aisle to marriage and making dreams come true. I'm looking forward to a future where I can work my wheels off in a career of my choice, get married, and where I can continue to be a proud tax-paying citizen of this great state. Thank you for your time and consideration!

Sincerely,  
-Josh Basile  
C4-5 Quadriplegic  
District 16 Maryland Resident  
[Josh.Basile@gmail.com](mailto:Josh.Basile@gmail.com)

## **Program Enrollment and Cost Estimates Resulting from Changes to the Employed Individuals with Disabilities (EID) Program that Senate Bill 867 Would Establish**

*Medicaid income, assets, and age limits are barriers to successful employment for people with disabilities who need services only offered by Medicaid. SB 867 is making these changes to break down those barriers and move in the same direction as other states seeking to do the same. Individuals eligible for EID would otherwise be eligible for more traditional Medicaid but for their earnings from employment. As we return to "normal" there will be more job and career opportunities for people with and without disabilities. People with disabilities want and deserve the same opportunities to live, love, and work in their communities. Existing EID rules that create added restrictions for EID recipients who wish to marry are discriminatory and create a healthcare access inequity for people with disabilities. With this healthcare inequity, EID enrollees wishing to be married are forced to be either cohabitate partners for life or divorce to achieve healthcare access equity. Medicaid doesn't need to be part of the problem - but it could be a big part of the solution.*

The fiscal note for Senate Bill 867, using the Maryland Department of Health's estimates, predicts the bill would increase EID enrollment by 1,200. The note also indicates an annual service cost of \$5,381 per enrollee, offset by estimated annual premium collections of \$1,548 per enrollee, yielding net Medicaid expenditures of \$3,833 per enrollee. The total increase in Medicaid expenditures is thus estimated to be \$4.6 million. Half of this cost would be recouped through federal funds, so \$2.3 million in state general funds would be needed.

The Willing to Work Coalition (WWC) has evaluated the assumptions in the fiscal note and wishes to propose an alternative estimate.

WWC estimated increased costs by considering enrollment growth in Washington State's Healthcare for Workers with Disabilities Program – a Medicaid Buy-In program with enrollment comparable to Maryland's EID Program – after Washington eliminated the income limit and upper age limit (previously age 64) for its program effective January 1, 2020. (Washington does not have a resource limit.) At that point, program enrollment was 1,500. To prepare for these changes, Washington prepared a fiscal note which created a 5-year forecast of an annual 10% enrollment increase resulting from both no income limit and the addition of workers 65 and older.<sup>1</sup>

According to Washington Medicaid, as of July 2021, enrollment had reached 1700, an increase of 200 enrollees (13.3%) in 18 months. WWC assumed that growth in Maryland's EID Program, based on the elimination of the income limit and the upper age limit, would be similar. SB 867 would also introduce three changes that Washington did not inaugurate in 2020: (1) reducing the lower age limit from 18 to 16, (2) eliminating consideration of spousal income in premium calculations, and (3) eliminated the resource limit (Washington's program

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<sup>1</sup> Washington fiscal note enrollment increases: FY20=69, FY21=137, FY22=137, FY23=137, FY24=68

had no resource limit even before 2020). To adjust for these factors, WWC estimated that EID enrollment growth resulting from SB 867 would be double the rate in 12 months that Washington experienced in 18 months. In short, EID enrollment would grow by 26.6% in the first 12 months after enactment of SB 867.

If Maryland's enrollment – which is approximately 850 at present - grew by 26.6%, it would reach approximately 1,076 ( $850 \times 1.266$ ), an increase of 226 enrollees.

Using the Department's estimate of \$3,833 net Medicaid expenditures per capita for EID members, if enrollment grew by 226, the additional costs in the first year due to enrollment growth would be estimated at \$866,258 ( $226 \times \$3,833$ ). Since half of the expenditures would be funded by federal dollars, the expenditure of state general revenue would be \$433,129. (NOTE: Actual cost increases during the first year would be less than the full annualized cost for 226 new members, as new members would be added throughout the year, and not all at the start of the year.)

However, for several reasons, actual cost increases due to increased EID enrollment would most likely be substantially less than this estimate, even if enrollment grew by the predicted amount. First, a substantial percentage of new enrollees would likely be transferring from other Medicaid eligibility groups. Because they had been enrolled in Medicaid immediately before enrolling in EID, the addition of these enrollees would likely be cost neutral, and would not increase Medicaid expenditures. Second, workers enrolled in EID would pay taxes on their earnings, thereby increasing state general funds through tax revenues, helping to offset Medicaid expenditures. Third, new enrollees would pay monthly premiums for EID, which would further offset expenditures. Fourth, some workers enrolled in EID would secure employer-sponsored health insurance, which would cover some expenditures that would otherwise be fully incurred by Medicaid. And fifth, research shows that workers with disabilities have lower medical expenses than nonworkers with disabilities. EID enrollees consume less health care than nonworking Medicaid recipients with disabilities, thus reducing Medicaid expenditures.

The Maryland Department of Health has estimated that enrollment will increase by 1,200 during the first year after the program changes have been implemented. WWC believes this estimate is exaggerated and not based on sound Medicaid data. Since its implementation in 2006, the EID Program's enrollment has never reached 900. Far more individuals are likely eligible for EID based on the Program's current eligibility criteria than the number of individuals who will become eligible as a result of the changes proposed by SB 867. In other words, far fewer potentially-eligible individuals will be added by the rule changes than the number of individuals who have been eligible for the last 16 years. If EID enrollment has never reached 900 based on the current, relatively large pool of potentially-eligible Maryland workers with disabilities, it is extraordinarily unlikely that enrollment would grow by over 140%, as the Department estimates, with the addition of a much smaller pool of potentially-eligible individuals. The enrollment increase that WWC estimates, based on Medicaid data and Washington's Healthcare for Workers with Disabilities Program experience, is a far more realistic predictor of the likely increase in enrollment resulting from SB 867.

# **SB867 Equal Love for Employees with Disabilities.p**

Uploaded by: Katie Collins-Ihrke

Position: FAV



March 8, 2022

**Senate Finance Committee  
TESTIMONY IN SUPPORT**

*SB 867- Equal Love for Employees with Disabilities Act*

Accessible Resources for Independence, The Freedom Center, The IMAGE Center, Independence Now, and Resources for Independence are disability resource and advocacy organizations run by and for people with disabilities. We are small, but mighty non-profits serving 12 counties in Maryland.

**Accessible Resources for Independence, The Freedom Center, The IMAGE Center, Independence Now, and Resources for Independence are pleased to support SB 867- Equal Love for Employees with Disabilities Act.** SB867 amends the requirements for the Employed Individual with Disabilities Medicaid Buy-In Program (EID) eligibility under The Maryland Department of Health. Under the current eligibility criteria, enrollees face restrictive limits on earnings from wages, saving responsibly, and loving freely. Existing rules punish employed Marylanders with disabilities wishing to pursue marriage and force enrollees requiring Medicaid services to retire at 65.

People with disabilities face barriers to full inclusion into the community. One of the barriers that we often see is that people are not able to have the tools and resources they need to engage with and maintain competitive employment. EID provides a much-needed resource to ensure that people with disabilities can work.

The “Equal Love for Employees with Disabilities Act” bill allows employed Marylanders with Disabilities to have a quality and fulfilling work and family life. SB867 affords Employed Individuals with Disabilities, meaningful opportunities for competitive career advancements and marriage, without the fear of losing medical benefits.

In January 2022, New Jersey Governor Murphy signed S3455/A5262 into law with nearly identical eligibility requirements within the NJ Workability Program.

We respectfully urge this committee to demonstrate its commitment to Employed Marylanders with Disabilities by issuing a favorable report to SB867

For more information, please contact Katie Collins-Ihrke, Executive Director at Accessible Resources for Independence, at 443-713-3914 or [kihrke@arinow.org](mailto:kihrke@arinow.org).

**SB867 Testimony Support Kim Allen 03072022 PDF.pd**

Uploaded by: Kim Allen

Position: FAV

## Employed Individuals with Disabilities Program

### Testimony on SB867

Equal Love for Employees with Disabilities Act

Position: **FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

My name is Kim Allen, and I'm a resident of Montgomery County Maryland. I am a mature person with disabilities who is frustrated and intimidated by the current Employed Individuals with Disabilities (EID) Program guidelines.

SB867 amends the requirements for EID eligibility under The Maryland Department of Health. Under the current eligibility criteria, enrollees face restrictive limits on earnings from wages, saving responsibly, and loving freely. Existing rules punish employed Marylanders with disabilities wishing to pursue marriage and force enrollees requiring Medicaid services to retire at age 65 years old.

Changing the current eligibility guidelines would allow me to work without anxiety and without restrictions. I am blessed to be a mature woman with viable work skills. I am excited the Assembly is considering revising EID under SB867. Changing the unemployment grace period is very important as well as eliminating the income and resource limit. This would allow me to work without concern for my health insurance cost or income allowance restrictions. Lower the enrollment age to 16 will protect and encourage transitioning age youth workers to pursue employment opportunities. Lastly, it is vital to eliminate Medicaid barriers i.e., application/enrollment procedures and transitioning between programs. These must be adjusted to meet the needs of individuals excited and eager to work. It is fantastic to know the Legislature is continuing to remove restrictions and barriers in the employment process for Marylanders.

The "Equal Love for Employees with Disabilities Act" bill allows employed Marylanders with Disabilities to have a quality and fulfilling work and family life. SB867 affords Employed Individuals with Disabilities, meaningful opportunities for competitive career advancements and marriage, without the fear of losing medical benefits.

In January 2022, New Jersey Governor Murphy signed S3455/A5262 into law nearly identical eligibility requirements within the NJ Workability Program.

I respectfully urge this committee to demonstrate its commitment to Employed Marylanders with Disabilities by **issuing a favorable report to SB867**.

Sincerely,  
Kim Allen  
Maryland Legislative District 19  
[Tondalaylah830@gmail.com](mailto:Tondalaylah830@gmail.com)  
240.229.8218

**SB867 Testimony Michael Dalto favorable 3-2022.pdf**

Uploaded by: Michael Dalto

Position: FAV



# Employed Individuals with Disabilities Program

## Testimony on SB867

### Equal Love for Employees with Disabilities Act

Position: **FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

My name is Michael Dalto, and I'm a resident of Baltimore City. I own a small consulting business and am a disability advocate. When I was formerly employed by the Maryland Department of Disabilities, I directed a project that conducted outreach for the Employed Individuals with Disabilities (EID) Program and helped Marylanders with disabilities enroll.

EID, a Medicaid Buy-In Program, should provide a very powerful incentive for Marylanders with disabilities to work or increase their earnings. Unfortunately, a number of obstacles in the enrollment process has greatly limited the number of residents who have been able to take advantage of the program. To put EID's limited enrollment in perspective, here is how it compares with Medicaid Buy-In enrollments in the states of New Jersey and Washington, both of which have enacted improvements to their programs very similar to those proposed by SB 867.

	Medicaid Buy-In (MBI) Enrollment	State Population	MBI Enrollment as % of State Population
New Jersey	9,530 (in 2013)	8.857 million (in 2013)	0.108%
Washington	1,700 (in 2021)	7.767 million (in 2021)	0.022%
Maryland	850 (in 2021)	6.17 million (in 2021)	0.014%

SB867 would improve the Employed Individuals with Disabilities (EID) program in several key ways that would directly benefit individuals I have assisted and enable more Marylanders to enroll in (or remain enrolled in) EID:

1. Eliminating the income limit would enable individuals to pursue lucrative careers without fear of losing essential services covered by Medicaid. Currently, some EID enrollees are artificially curtailing their earnings to remain enrolled in EID.
2. Eliminating the resource limit would enable workers with disabilities to save more of their income for retirement and future needs, such as purchasing homes. At present, a number of Marylanders are ineligible due to savings and certain retirement accounts, while others who are already enrolled in EID limit their savings to avoid losing EID eligibility.

3. Not counting spousal income in determining EID premium amounts – combined with the elimination of spousal income and resources from eligibility determinations – will enable more people to marry or increase earnings. A number of current enrollees report they have had to refrain from marriage, limit their earnings, or have their spouses limit their earnings to remain eligible for EID, while others are not eligible for EID under current rules due to their spouses' finances.
4. Eliminating the upper age limit of 64 will provide equity to older Marylanders with disabilities. Many citizens continue working beyond age 64. Social Security's full retirement age will be increasing to 67 for people born after 1959, and the average life expectancy in Maryland is 78.5 years. Current EID rules discriminate against older workers with disabilities, who often need Medicaid even more than younger workers with disabilities, due to health problems that increase with age.
5. Facilitating a smooth transition from other Medicaid eligibility groups to EID is vital for many Marylanders who, due to work earnings and/or savings from those earnings, lose eligibility for other eligibility groups, and can only retain Medicaid through EID. Currently, individuals must be terminated from their current Medicaid eligibility groups before they can enroll in EID, which is a huge disincentive to work. The federal Centers for Medicare and Medicaid Services has advised the Maryland Department of Health that they can provide for a smoother transition, within federal Medicaid rules.
6. If a person acquires assets while enrolled in EID, then later loses eligibility for EID (e.g., due to retirement) and needs to enroll in another Medicaid eligibility group, they need to be able to keep the assets they saved during EID enrollment without losing Medicaid eligibility. Under current rules, such a person must spend these assets in order to maintain Medicaid eligibility, which penalizes responsible saving practices.
7. The current EID application and enrollment process has been repeatedly cited as an obstacle to enrollment by many Marylanders with disabilities. Onerous documentation requirements, inadequate instructions and poorly-designed eligibility notices have contributed greatly to low EID enrollment. SB 867 would improve these processes, making EID easier to navigate.

SB 867 would eliminate key barriers to EID enrollment; remedy current disincentives to work, increased earnings and marriage now embedded in the program; and provide for increased productivity and independence for Marylanders with disabilities. I respectfully urge this committee to issue a favorable report on SB867.

Sincerely,

Michael Dalto  
District 45  
3410 Parkside Drive  
Baltimore, MD 21214

# **SB867\_FAV\_Pathfinders for Autism.pdf**

Uploaded by: Rebecca Rienzi

Position: FAV



**SENATE BILL 867**  
**Employed Individuals with Disabilities Program**  
**March 8, 2022**  
**POSITION: FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

Pathfinders for Autism (PFA) is Maryland's largest autism organization dedicated to helping individuals, parents, and professionals find resources, support, and training while working to increase the awareness of autism spectrum disorders. We accomplish this through a variety of programs and services, all of which are offered FREE of charge. Last year our programs directly served 20,000 Maryland residents.

SB867 amends the requirements for EID eligibility under The Maryland Department of Health. Under the current eligibility criteria, enrollees face restrictive limits on earnings from wages, saving responsibly, and loving freely. Existing rules punish employed Marylanders with disabilities wishing to pursue marriage and force enrollees requiring Medicaid services to retire at age 65 years old.

Like all Maryland residents, people with disabilities have the fundamental human right to determine what makes for a good life to them. They should enjoy the freedom to make decisions about where they work, when they retire, and if they chose to marry. The loss of disability benefits should not be a deciding factor in a person's pursuit of life goals. One's age and/or marital status does not change an individual's disability status. The marriage penalty has made it so that many people with disabilities cannot get married or start a family. Forced retirement prohibits individual choice to pursue a career to its fullest potential. These policies stem from longstanding institutionalized ableism that actively prevents people with disabilities from living long, fulfilling lives.

The "Equal Love for Employees with Disabilities Act" bill allows employed Marylanders with Disabilities to have a quality and fulfilling work and family life. SB867 affords Employed Individuals with Disabilities, meaningful opportunities for competitive career advancements and marriage, without the fear of losing medical benefits.

I respectfully urge this committee to demonstrate its commitment to Employed Marylanders with Disabilities by issuing a favorable report to SB867. For more information, please contact Rebecca Rienzi, Executive Director, Pathfinders for Autism at 443-330-5370, ext. 101 or rrienzi@pfamd.org.

**SB867 Testimony Sama Bellomo favorable 3-2022.pdf**

Uploaded by: Sama Bellomo

Position: FAV

# Employed Individuals with Disabilities Program

## Testimony on SB867

### Equal Love for Employees with Disabilities Act

Position: **FAVORABLE**

To Chair Kelley and the Senate Finance Committee:

My name is Sama Bellomo, and I'm a resident of Baltimore City. I have been enrolled in the Employed Individuals with Disabilities (EID) Program for over 8 years.

My partner and I want to marry, but we can't, or else I will lose eligibility for EID based on his income. I could not work, or even live, without the extensive services that Medicaid provides for me. If this marriage penalty were not in place, I would marry my partner and continue living in his Baltimore home. My partner and I have to live in sin indefinitely because EID, for my physical health, has more power over me than my religious and moral values.

For years I have testified and marched for marriage equality; it seems my work is not done.

Please add the protections we with disabilities need to earn a living; save enough to own, modify and keep property; for as long as we are able to work--just like everyone else. I'm asking for what I need, not for what I think I can get. I need what non-disabled people have, and I'm literally willing to work for it.

I respectfully urge this committee to issue a favorable report on SB867.

Sincerely,

Sama Bellomo  
District 46  
1831 Gough Street  
Baltimore, MD 21231

**SB867\_FAV\_Lee\_2022.pdf**

Uploaded by: Susan Lee

Position: FAV

SUSAN C. LEE  
Legislative District 16  
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on  
Cybersecurity, Information Technology,  
and Biotechnology

*Chair*

Maryland Legislative Asian American  
and Pacific Islander Caucus

*President Emeritus*

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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.

# **EID-converted.pdf**

Uploaded by: Veronica Thomas

Position: FAV

Dear Senator Lee,

I have had benefits through Employed Individuals with Disabilities for 12 years. I am 64 and will be 65 in June. I am not happy that my EID will be going away because of my age. The older I get, the more I need EID. With people living longer and working longer, it would be great if EID would follow suit. No upper age limit at all would be my preference, but having EID extend to 67 would be a good start.

Unfortunately, I have a lot of medical problems, requiring many medications, tests, appointments, etc. EID has been a godsend for covering these expenses. Right now, EID pays my Medicare premiums and deductibles. (The premiums alone are \$170.10 each month.) EID also covers Part D, and my medications cost very little. For all of this, I pay only \$25 each month.

The Medical Assistance that comes with EID is a very “good fee for service” plan, so I am able to keep my current doctors. Age 65 is coming way too soon for me... I am dreading it, mainly because I will lose EID.

EID has encouraged me to work, which has improved my mental health. Also, I feel that I am contributing to society. The extra income has been an enormous help with my household and personal bills.

Sincerely,  
Veronica Thomas

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Uploaded by: Heather Shek

Position: INFO



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

March 8, 2022

The Honorable Delores G. Kelley  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: SB 867– Maryland Medical Assistance Program - EID Program - Requirements (Equal Love for Employees w/ Disabilities Act) - Letter of Information**

Dear Chair Kelley and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for SB 867– Maryland Medical Assistance Program - EID Program - Requirements (Equal Love for Employees w/ Disabilities Act). The legislation will require several changes to the Employed Individuals with Disabilities (EID) Program.

SB 867 will expand on changes that MDH and stakeholders agreed to in Fall 2021 to modify certain eligibility requirements for EID to allow individuals to qualify at higher income levels and eliminate perceived barriers to marriage following enrollment. These agreed upon changes are currently funded through an allocation of \$4.6 million total funds (\$2.3 million general funds) in the Governor’s fiscal year 2023 budget.

As drafted, SB 867 goes beyond the changes MDH committed to implementing, and will expand the number of individuals who qualify for EID while having unintended consequences for eligibility rules for other coverage categories. Specifically, SB 867 will:

- Reduce the lower age limit for the program from 18 to 16;
- Establish a premium contribution based solely on the applicant’s income;
- Eliminate consideration of an applicant and spouse’s assets at the initial eligibility assessment;
- Extend the existing grace period for EID enrollees to continue to receive coverage for a period of 6 to 12 months in the event of temporary loss of employment so long as the enrollee continues to pay their premium;
- Exempt all assets earned by the individual while they were enrolled in EID when determining the individual’s eligibility for any other program within Medical Assistance;
- Allow a former EID participant to maintain assets even when applying for Medicaid under another eligibility category.

MDH estimates that the annual fiscal impact of the eligibility changes to the EID Program will be \$22.6 million total funds (\$11.3 million federal funds, \$11.3 general funds).

Additionally, there are two considerations with SB 867 that create potential equity and fairness inconsistencies as compared to other similarly situated individuals. First, all other Medicaid programs consider both an applicant's income and a spouse's income when determining eligibility. MDH agreed with the stakeholder workgroup in Fall 2021 to consider assets at the initial eligibility assessment but not future renewals, even if the person marries after the initial assessment. This will prevent an individual from losing eligibility due to marriage.

Second, SB 867 allows an individual to maintain assets if that individual decides to leave the EID program and seek eligibility through another category. For instance, a person enrolled in the EID program but requires nursing home care is able to maintain a higher level of assets yet still qualify for the additional care. By contrast, all other applicants applying for nursing home services are required to spend down their resources before qualifying for this additional level of care. Due to equity issues, MDH will either pay with state only dollars for these EID individuals or be required by federal law to make the change for all applicants which will lead to a significant cost.

If you have any questions, please contact Heather Shek, Director of Governmental Affairs, at [heather.shek@maryland.gov](mailto:heather.shek@maryland.gov) or (443) 695-4218.

Sincerely,

A handwritten signature in cursive script that reads "Dennis R. Schrader".

Dennis R. Schrader  
Secretary