

**HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
HOUSE BILL 1403: MARYLAND DEPARTMENT OF HEALTH - WAIVER
PROGRAMS - WAITLIST REDUCTION (END THE WAIT ACT)**

MARCH 15, 2022

POSITION: SUPPORT

Thank you, Madam Chair Pendergrass and Committee Members, for the opportunity to provide testimony on House Bill 1403: Maryland Department of Health - Waiver Programs - Waitlist Reduction (End the Wait Act). Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be integrated in their communities and live independently in their homes through access to high-quality health care and supports.

Maryland's Medicaid Waivers offer a wide array of home-based care to people with disabilities of all ages and varying needs. These programs also provide opportunities for people with disabilities to avoid having to be institutionalized, such as at a nursing facility, Maryland's State Residential Centers, or imprisoned at a correctional facility. Maryland's Medicaid Waivers also support families that are caring for their loved ones with disabilities and people with disabilities are able to stay in their family home or community.

However, tens of thousands of Marylanders are currently on varying waiting lists to access the care they need under a Medicaid Waiver program.¹ Despite these waiting lists there are unused slots under the Home and Community-Based Options Waiver (HCBOW), Traumatic Brain Injury Waiver, and the Increased Community Services Program (ICS). MDH reported to the Community Options Advisory Council that as of January 2022 there were 4,159 HCBOW participants, leaving 2,189 of the 6,348 unduplicated slots going unused, despite there being 21,238 people on the HCBOW waiting list.

HB 1403 will require the Maryland Department of Health (MDH) to develop a plan to reduce the waiting list for each of its waiver programs by 50%. This plan would be due by January 2023. It also requires the Governor to include enough funding in the Fiscal Year 2024 budget implement MDH's plan to reduce the waiting lists by 50%.

HB 1403 will have the following impact:

- Improve Maryland's Home and Community- Based Services (HCBS) system by reducing the administrative costs and operations associated with maintaining such large waiting lists, and thus freeing up more resources for program participants.

¹ See: https://mgaleg.maryland.gov/2022RS/fnotes/bil_0006/sb0636.pdf; The Home- and Community-Based Options Waiver alone has approximately 21,238 people on its waitlist.

- Furthers Maryland’s goals of and compliance with the *Olmstead* decision and the community integration mandate of the Americans with Disabilities Act (ADA).²
- Significantly reduce wait times for accessing Waiver services.
- Ensure future Waiver applicants are more efficiently screened and directed to the appropriate Waiver program that will meet their needs.

Health care is a critical public service, especially given the current COVID-19 Pandemic. People with intellectual and developmental disabilities are three times more likely to become infected with COVID-19 and die than those without disabilities.³ The pandemic has further highlighted the dangers of unnecessary institutionalization, with 33-75% of COVID-19 deaths occurring in congregate settings, such as nursing facilities, in some states.⁴

Furthermore, the American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, and provides a 10% increase in funding for HCBS, that must supplement and not supplant programs and services. Maryland is expected to receive approximately \$234,418,000 in additional federal funding for HCBS. Maryland should take advantage of this additional federal funding to meet the high demand for its Waivers and end the wait.

For these reasons, DRM strongly supports House Bill 1403.

Respectfully,

Randi A. Ames, Esq.
Assistant Managing Attorney
Disability Rights Maryland
1500 Union Ave., Suite 2000
Baltimore, MD 21211
Direct: 443-692-2506
RandiA@DisabilityRightsmd.org

² *Olmstead v. L.C.*, 527 U.S. 581 (1999); 42 U.S.C. § 12101.

³ Risk Factors for COVID-19 Mortality among Privately Insured Patients, A FAIR Health White Paper in Collaboration with the West Health Institute and Marty Makary, MD, MPH, from Johns Hopkins University School of Medicine, November 11, 2020.

⁴ Chidambaram, P. (2020, March 13). Data note: How might Coronavirus affect residents in nursing facilities?. Kaiser Family Foundation. <https://www.kff.org/coronavirus-covid-19/issue-brief/data-note-how-mightcoronavirus-affect-residents-in-nursing-facilities/>.