



Empowering People to Lead Systemic Change

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

DisabilityRightsMD.org

## HEALTH AND GOVERNMENT OPERATIONS COMMITTEE

### TESTIMONY OF DISABILITY RIGHTS MARYLAND

#### HOUSE BILL 430 – EMPLOYED INDIVIDUALS WITH DISABILITIES PROGRAM - UPPER AGE LIMIT – PROHIBITION

February 12, 2025

#### **Position: Support**

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. One of the mandated purposes of DRM's legal work is to ensure that people with disabilities have access to the supports and services that make meaningful community participation possible.

**DRM supports HB 430**, which would remove the upper age limit for the Employed Individuals with Disabilities (EID) Program. Sixteen years ago, Maryland created the EID in recognition of the disparate effects of the Medicaid income-threshold on employed Marylanders with significant disabilities who require additional supports to live in the community. Today, DRM asks this committee to reaffirm the goal of the enacting legislature by ensuring that individuals with disabilities 65 and over relying on EID can continue to thrive in their communities. EID is the only program that allows many individuals with disabilities to maintain work and receive Medicaid. In the absence of EID, many employed individuals with significant disabilities lose access to services that facilitate community living because of the Medicaid income-threshold.

Janice Jackson enrolled in EID when it was introduced, and she became the focus of many campaigns attempting to bring attention to the EID Program. For 15 years, Janice achieved the goals that the enacting legislature sought in creating the EID program, working and paying taxes while living in her community. The attendant care Janice accessed through Medicaid as provided by the EID program made this possible. On November 30, 2024, one week before Janice's 65th birthday, her services ceased without notice. Outside of EID, Janice has been found eligible for one community option waiver, for which she has been told that she is the lowest priority on a waitlist of thousands of Marylanders in need. Because of cessation of EID, despite living independently for most of her life, Janice's only long-term option is living in a nursing home.

The upper age limit on the EID Program penalizes Janice and other employed individuals with disabilities who have been thriving in their communities with appropriate supports and services. Many of these services, such as personal attendant services and community psychiatric rehabilitation, are not adequately reimbursed by Medicare or private insurance. Individuals over 65 are forced to rely on other support services and can be forced to live in incredibly restrictive

settings because these settings become the only option. Removing the upper age limit would ensure that older individuals with disabilities continue to have the supports that facilitate living in and contributing to their communities.

While the EID program encourages Marylanders under 64 with disabilities to maintain employment, the upper age limit disincentivizes employment for older Marylanders. Many Marylanders who are 65 or older continue to work and require Medicaid just as much as residents under age 65. Limiting EID to people under age 65 discriminates against senior citizens.

During the 2024 Legislative Session, the pushback on removing the upper age limit focused on the possibility of an increase in expenditures. However, what this argument fails to recognize is that removing the age limit may decrease the expenditures of other state funded resources that individuals who lose eligibility are forced to rely after the loss of EID Program services. Reaching the upper age limit for EID does not reflect a change in an individual's needs. Logically, when needs have not changed and EID ceases, other supports become necessary to meet existing needs. Rather than reducing costs, the upper age limit essentially kicks the cost further down the road to another program.

Passing HB 430 will ensure that employed seniors with disabilities can continue to live and thrive in their communities. For these reasons, DRM supports HB 430.