



Maryland Legal Aid Testimony
SB 742 – Maryland Medical Assistance Program and Developmental Disabilities
Administration – Home- and Community-Based Services Eligibility Determinations
(Maryland Protecting People With Disabilities Act)
Hearing on March 3, 2026, Finance Committee
Position: Favorable

Maryland Legal Aid submits written and oral testimony in support of SB 742 in response to a request from Senator Guzzone.

Maryland Legal Aid is a non-profit law firm that provides free legal services to low-income and vulnerable Maryland residents. Each year, we assist many clients with disabilities who live in their communities, instead of in a nursing facility, thanks to Medicaid’s Home and Community Based Services (HCBS).¹ HCBS provides services that are otherwise only readily available to residents in an institutional setting: personal assistance services, case management, nurse monitoring, assistive technology, and more. These programs and others form the “safety net” that provides life-sustaining assistance to Marylanders living below the poverty line.

SB 742 addresses three critical barriers to accessing HCBS. First, current HCBS applicants remain institutionalized in nursing facilities, even though they could transition to the community, because their HCBS applications are not timely processed. This often causes them to lose their home in the community due to inability to pay their rent/mortgage and their cost of care in the facility at the same time. Second, HCBS applicants live unsafely in the community as their applications remain on a lengthy waitlist despite their medical needs.² Finally, current approved HCBS recipients lose their services due to administrative delays, procedural barriers, or paperwork issues. These disruptions have devastating consequences, including loss of vital supports, health deterioration, and unnecessary institutionalization. Importantly, the bill also ensures that HCBS continue while eligibility issues are resolved and due process rights are fully exhausted. These safeguards recognize the reality that interruptions in services can destabilize housing, caregiving arrangements, employment, and medical care.

Marylanders who receive prompt decisions on their eligibility for HCBS have the freedom to return or remain in their communities without added costs to taxpayers.³ This legislation is

¹ HCBS programs include Community First Choice, Home and Community-Based Options Waiver, Medical Day Care Services Waiver, and more. See [Statewide Transition Plan for Compliance with Home and Community-Based Settings Requirement \(Final Rule\)](#) (March 2023).

² 33,434 individuals were on Maryland’s HCBS waitlists in 2025. See KFF, [Number of People Waiting for Medicaid Home Care \(HCBS\), by Target Population and Whether States Screen for Eligibility](#) (2025).

³ See [2019 Regular Session – SB 699 Fiscal and Policy Note](#) (Mar. 29, 2019), 3. Noting that the cost of community-based services is offset by the cost savings of not paying for a nursing home stay.

consistent with Maryland’s existing requirements under federal Medicaid law,⁴ and Maryland’s longstanding commitment to community integration mandated by *Olmstead v. L.C.*⁵

SB 742 addresses administrative barriers to accessing HCBS in a number of ways that protect vulnerable recipients from losing services due to technicalities rather than true eligibility findings. Use of existing data to make eligibility decisions reduces avoidable procedural terminations. The bill requires that ex-parte (existing/available) verification methods be exhausted, the provision of a clear and specific notice, notice receipt verification, and a meaningful opportunity to respond, before terminating coverage for missing documentation or incomplete information. Automatic reinstatement and retroactive coverage when coverage is lost due to agency delay or error is not only equitable, but necessary in order to prevent gaps in care and financial harm. Finally, prohibiting unnecessary reapplication or waitlist placement when disenrollment was caused by the agency due to technicalities ensures that individuals are not penalized for administrative failures beyond their control.

One Maryland Legal Aid Client, Ms. K, was disenrolled from her HCBS waiver in Baltimore City after her supports planner failed to submit a required redetermination. We assisted Ms. K. in submitting new redetermination requests in October 2024 and July 2025. Ms. K received notice that the October request was denied but she was not told that the reason for denial was that additional information was needed. The July request has now been pending for more than seven months with no apparent progress. As a result of these administrative errors and delays, Ms. K has been without medically necessary services for nearly a year and a half. SB 742 would help prevent precisely these types of harmful disruptions.

Another client, Ms. C, relies on the Home and Community-Based Options Waiver to subsidize her care in an assisted living facility in Baltimore County. She received a COVID stimulus check that put her over the resource limit. She received a termination notice in April 2025. Maryland Legal Aid advised Ms. C to promptly file an appeal to preserve her services and to submit a “re-entry” application,⁶ which she did in June 2025. No decision has been issued to date.

Finally, Maryland Legal Aid client, Ms. M, was hospitalized after a traumatic health event and then transitioned to a nursing home in Prince George’s County. Ms. M could not afford both her contribution of care for her nursing home stay and her rent for her home in the community. She risked losing both. Maryland Legal Aid connected her to services to apply for HCBS. We implemented various legal strategies to delay Ms. M’s eviction from the nursing home for the *months* it took the state to finally approve her application to return safely home with HCBS.

Senate Bill 742 represents a thoughtful, targeted, and necessary measure to protect Medicaid recipients and preserve access to critical community-based services. Maryland Legal Aid respectfully urges the Committee to issue a favorable report.

If you have questions please contact Christina Moore, Chief Attorney, Administrative Law Unit, Maryland Legal Aid, at cmoore@mdlab.org, or Cornelia Bright Gordon, cbgordon@mdlab.org.

⁴ 42 CFR § 435.

⁵ *Olmstead v. L. C.*, 527 U.S. 581 (1999).

⁶ COMAR 10.09.54.03(G)(2) allows a beneficiary to request re-entry of HCBS Waiver services.