



Empowering People to Lead Systemic Change
The Protection and Advocacy System for the State of Maryland

1500 Union Ave., Suite 2000, Baltimore, MD 21211
Phone: 410-727-6352 | Fax: 410-727-6389
DisabilityRightsMD.org

House Health Committee
House Bill 1445: Maryland Medical Assistance Program and Developmental Disabilities Administration-Home-and Community Based Services Eligibility Determinations (Maryland Protecting People with Disabilities Act)

March 10, 2026

POSITION: SUPPORT

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM works to increase opportunities for Marylanders with disabilities to be integrated into their communities, live independently and access high-quality, affordable health care.

The pivotal 1999 *Olmstead v. L.C.* Supreme Court decision prohibited the unnecessary segregation of individuals with disabilities and affirmed the right of people with disabilities to live within their community.¹ One of DRM's legal priorities is to represent individuals with disabilities in accessing home and community-based services so that they are not institutionalized. Since January 2024, people with disabilities have been losing their Medicaid and waiver eligibility for home and community-based services at alarming rates. DRM has received hundreds of calls from people whose Medicaid and waiver services have been terminated and who are desperate for help and requesting legal assistance. Many of the callers are confused about the process and why their services were terminated and want representation in appealing the decision. The substantial increase in calls and flooding of requests for legal assistance is indicative of the broken system in Maryland. DRM is only able to represent a small percentage of people who request legal assistance. DRM supports HB 1445 because it will fix parts of the broken system and require the State to adhere to federal laws and requirements.

This bill would help people like the following who called DRM for legal assistance:

- A young woman with a developmental disability served under the Community Pathways Waiver who submitted her redetermination paperwork and documentation to the State in advance of the deadline. She received confirmation from the State that it received her redetermination paperwork. However, months later, she inexplicably received a Medicaid termination notice from the State stating that her application had not been

¹ *Olmstead v. LC*, 527 U.S. 581 (1999)

completed timely. Her mother appealed the termination on her behalf in August 2025 and she still has heard nothing about a hearing date. In the meantime, her services have been suspended and she is without care, putting a tremendous and unmanageable burden on her family. It is egregious that she does not have services pending the appeal.

- A young man with a developmental disability who was denied home and community-based waiver services because his legal guardian's signature wasn't applied to the signature pages.
- An older gentleman with a disability who was denied Medicaid coverage and lost services. He appealed. Then a month later, the State sent him another notice and requested additional financial information from him. An additional 5 months later, while he was without services and waiting on an appeal hearing, the State sent a third notice denying him services for being over the financial asset limit. It was only after DRM's intervention that his Medicaid was approved and waiver services reinstated, *11 months after the improper denial.*

The examples above illustrate just how alarming the procedural errors and massive processing delays are, and how individuals are unjustly harmed and denied critical services and home supports even when the State made the procedural error and improperly terminated Medicaid coverage. It is critical that this Bill pass so the State can be held accountable and required to follow federal timelines and processes for Medicaid eligibility and renewal of benefits.

For these reasons, DRM strongly supports House Bill 1445 and urges a favorable report.

Respectfully,

Megan Berger

Legal Director

Megan.Berger@DisabilityRightsMD.org