

**Maryland Legal Aid Testimony
HB 1423 – Maryland Department of Health –
Workgroup on Home- and Community-Based Services
Hearing on March 10, 2026, Health Committee
Position: Favorable**

Maryland Legal Aid submits written and oral testimony in support of HB 1423 in response to a request from the Office of the Long-Term Care Ombudsman.

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 without added costs to taxpayers.²

Maryland Legal Aid supports HB 1423 and its creation of a Workgroup on Home-and Community-Based Services. Such a workgroup can provide an efficient, structured forum for stakeholders (participants, providers, advocates, and the Department) to identify and resolve recurring barriers that prevent eligible Marylanders from receiving timely and uninterrupted care to meet their medical needs outside of institutional settings via HCBS.

In our experience, preventable administrative barriers to HCBS cause service gaps and unnecessary institutionalization of our clients. Five persistent barriers our clients face could be addressed by this Workgroup.

- Marylanders are not aware of HCBS. The lack of information available to them means nursing home residents who could otherwise return to their homes in the community remain institutionalized.
- Supports planners and their agencies do not have adequate training, clear standards, or oversight. The resulting Department-approved inaccurate task schedules and plans of

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 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.

services³ lead to an overreliance on legal services intervention in providing realistic information pending an appeal to avoid a reduction of termination of benefits.

- The appeals process has extreme delays that cause long gaps in medically necessary services for vulnerable Marylanders with disabilities. Currently, our clients experience, on average, a two-month delay to docket a request for hearing and an eight-month backlog for the actual hearing.
- There is no consistency in implementation of plans of service. The Department does not ensure that authorized services are actually delivered, or that sufficient oversight is provided for relative caregivers.
- Eligibility decisions on HCBS applications and redeterminations are not timely. Individuals remain unnecessarily institutionalized or live unsafely in their communities because of resolvable process issues.⁴

Maryland Legal Aid client experiences show the real-world consequences of these system failures.

In two years of living in a nursing home, Ms. R was never told about HCBS by her nursing home or any State agency. On her initial application for Long-Term Care Medical Assistance, she indicated that she had a home in community to which she intended to return; she pays her mortgage every month. Ms. R cannot afford both her contribution of care for her nursing home stay and her rent for her home in the community. She risked losing both. When the facility attempted to evict Ms. R, Maryland Legal Aid assisted her with an appeal and connected her to services to apply for HCBS. The Client is still waiting for a decision on her application for HCBS. To this day, the facility, motivated by an opportunity for profit, maintains that they do not provide residents assistance with applications for HCBS.

Ms. N lives in the community because she receives medically necessary supports from HCBS that allows her to live there safely. The services she receives at home are based on a schedule of the actual tasks she needs help with. Suddenly, she received a notice significantly reducing her hours of personal assistance. Ms. N appealed, and her Supports Planner told her that no updated request or records could be submitted to support her need for assistance pending the hearing. There was a delay in docketing the appeal, and thereafter, Maryland Legal Aid requested an expedited hearing, and settled the case. The client received the support she needs to remain in the community, but the delay put her in danger of an entirely preventable health emergency.

Several clients have contacted Maryland Legal Aid after task schedules submitted by their Supports Planner were denied for including tasks not approved in the Maryland Department of Health's Standard Operating Procedures, including "15 minutes- monitoring fingernails" and "changing TV remote channels." The submission of these inappropriate tasks to justify personal assistance shows a dire need for additional Supports Planner training. Incompetent personnel

³ In January 2024, Maryland Department of Health published guidance regarding approved tasks and standardized times for a claimant's task schedule available at:

https://health.maryland.gov/mmcp/longtermcare/Documents/SOP_Standardized-Times-I_ADLS.pdf

⁴ See 2026 SB742/HB1445.

actions like these result in avoidable delays to clients getting medically necessary personal assistance hours, and they require otherwise unnecessary legal intervention.

HB 1423 is a practical step to improve access, continuity, and accountability in Maryland's HCBS system by convening the right stakeholders to identify barriers and propose workable solutions. Maryland Legal Aid respectfully urges the Committee to issue a favorable report on HB 1423.

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