



Maryland/DC Chapter

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TESTIMONY

**Maryland/DC Chapter of the National Academy of Elder Law Attorneys (NAELA)
House Bill 1423 – Maryland Department of Health – Workgroup on Home- and Community-
Based Services**

House Health Committee

Hearing: March 10, 2026, 1:00 p.m.

POSITION: FAVORABLE WITH AMENDMENTS

Chair and Members of the Committee:

On behalf of the Maryland/DC Chapter of the National Academy of Elder Law Attorneys (NAELA), we respectfully submit this written testimony in support of HB 1423, which requires the Maryland Department of Health (MDH) to convene a Workgroup on Home- and Community-Based Services.

Maryland’s waiver system is, in practice, non-functional for many applicants. In our members’ experience representing older adults and individuals with disabilities, administrative mismanagement and prolonged delays routinely keep eligible individuals from accessing services—often at moments of acute vulnerability. The consequences can be cruel and dangerous: preventable deterioration, avoidable institutionalization, caregiver collapse, and outcomes that can be life-threatening.

The General Assembly must act decisively to ensure Maryland has a waiver system that works in real time, not just on paper. HB 1423 is essential, but it should move swiftly and produce specific reforms with accountability, so the State’s home- and community-based services programs actually deliver what they promise.

NAELA’s members represent older adults and people with disabilities, and we work daily with Marylanders seeking access to the very programs this bill places under review, including the Community First Choice Program, the Home and Community-Based Options Waiver, and related supports. We strongly agree that Maryland needs a structured, time-bound forum to evaluate program eligibility rules, application processes, waitlists, and barriers to access.

HB 1423 will be significantly stronger—and far more likely to produce actionable, credible outcomes—if amended to ensure:

- Technical expertise is represented in the Workgroup, including an elder law attorney who routinely navigates complex eligibility and procedural issues (for example: application timing, effective dates, spend-down mechanics, verifications, and procedural barriers that delay or derail access to services).
- The Workgroup’s findings are reported independently, so the Workgroup—not MDH—controls the content and presentation of its conclusions, and any minority views are transparently included.
- The Workgroup is expressly directed to propose specific, implementable improvements—not merely evaluate the current process.

Accordingly, MD/DC NAELA supports HB 1423 with the following amendments:

PROPOSED AMENDMENT LANGUAGE

Amendment 1 – Add Elder Law/NAELA Technical Expertise to the Workgroup

In Section 1(b)(8) (members appointed by the Governor), after item “(xii) one representative of an agency that provides personal care services,” add:

(XIII) ONE ATTORNEY LICENSED IN THE STATE WITH DEMONSTRATED EXPERIENCE REPRESENTING OLDER ADULTS AND INDIVIDUALS WITH DISABILITIES IN MATTERS INVOLVING ACCESS TO HOME- AND COMMUNITY-BASED SERVICES, INCLUDING ELIGIBILITY AND APPLICATION PROCEDURES; PROVIDED THAT THE GOVERNOR SHALL, TO THE EXTENT PRACTICABLE, APPOINT AN ATTORNEY WHO IS A MEMBER OF THE MARYLAND STATE BAR ASSOCIATION ELDER LAW AND DISABILITY RIGHTS SECTION AND THE MARYLAND/DC CHAPTER OF THE NATIONAL ACADEMY OF ELDER LAW ATTORNEYS.

Amendment 2 – Independent Reporting Mechanism

In Section 1(g), replace the language directing MDH to submit the report with the following:

(G) ON OR BEFORE OCTOBER 1, 2027, THE WORKGROUP SHALL SUBMIT A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE WORKGROUP, AS APPROVED BY A MAJORITY VOTE OF THE WORKGROUP MEMBERS, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH COMMITTEE.

And add the following subsections:

- (1) THE REPORT SHALL BE TRANSMITTED IN THE NAME OF THE WORKGROUP AND MAY INCLUDE CONSENSUS RECOMMENDATIONS AND, IF APPLICABLE, DISSENTING OR MINORITY VIEWS.
- (2) THE MARYLAND DEPARTMENT OF HEALTH SHALL PROVIDE STAFF SUPPORT TO THE WORKGROUP BUT MAY NOT ALTER THE SUBSTANCE OF THE REPORT APPROVED BY THE WORKGROUP.
- (3) THE REPORT SHALL BE POSTED ON A PUBLICLY ACCESSIBLE WEBSITE WITHIN 10 BUSINESS DAYS AFTER SUBMISSION.

Amendment 3 – Require Concrete Improvement Proposals

In Section 1(f)(2), after “the Workgroup shall review and as appropriate make recommendations to improve,” add:

AND SHALL PROPOSE SPECIFIC, IMPLEMENTABLE IMPROVEMENTS, INCLUDING ADMINISTRATIVE, REGULATORY, AND LEGISLATIVE CHANGES, WITH AN IMPLEMENTATION TIMELINE AND IDENTIFICATION OF ANY BUDGETARY OR STAFFING IMPACTS, AS APPROPRIATE.

For these reasons, the Maryland/DC Chapter of NAELA urges a Favorable Report on HB 1423, with the amendments above.

Respectfully submitted,

Maryland/DC Chapter of the National Academy of Elder Law Attorneys (NAELA)

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