



## Maryland/DC Chapter

### OFFICERS:

Elena Sallitto, President

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**SUBJECT:** House Bill 1445 – Maryland Protecting People with Disabilities Act

**COMMITTEE:** House Health Committee, Del. Heather Bagnall, Chair

**DATE:** March 10, 2026

**POSITION:** FAVORABLE with Amendment

The MD/DC Chapter of the National Academy of Elder Law Attorneys (NAELA) supports House Bill 1445 and urges the Committee to vote favorable, but with an amendment.

NAELA is a professional association of attorneys who advocate for and represent individuals with disabilities and their families, including people who depend on Medicaid-funded home- and community-based services and waiver programs to live safely in the community. Our members regularly see the serious harm that occurs when eligible individuals are wrongfully denied services, lose services due to procedural errors, or experience delays in eligibility determinations and redeterminations.

When services are wrongfully denied, delayed, or terminated, the consequences to the individual can be immediate and severe. Individuals may experience medical decline, psychiatric destabilization, behavioral crises, missed treatment, loss of routine, and increased risk of injury or hospitalization. For people with significant disabilities, even short gaps in services can create dangerous conditions, including neglect, isolation, and loss of access to essential care. In some cases, the result is avoidable institutionalization - an outcome that is both harmful to the individual and contrary to the goal of supporting people in the most integrated setting appropriate to their needs.

House Bill 1445 is an important and necessary response to these risks. The bill strengthens protections against wrongful loss of Medicaid-funded supports by reinforcing timely eligibility processing, reducing procedural disenrollment, promoting ex parte renewals where possible, improving accessibility of information and notices, and helping preserve continuity of services while eligibility issues and appeals are being resolved.

The Chapter also respectfully raises concern about the possible unintended consequences of Section (H). While we support restoring services to individuals who were wrongfully disenrolled through no fault of their own, reserving waiver capacity in this manner may have the unintended effect of reducing the number of waiver slots otherwise available to other eligible populations - particularly older adults who are at high risk of institutionalization. In practice, this could force some older Marylanders out of their homes and away from loved ones and into nursing facilities

during the last years, or even months, of their lives. Maryland's current 1915(c) waiver triage approach, which prioritizes approximately 80% of available slots for those most at risk of institutionalization, reflects a fair and needs-based system rather than an arbitrary allocation. Given Maryland's rapidly growing older population and the more than 22,000 individuals on the registry awaiting an invitation to apply for services, we urge careful consideration of whether Section (H) can be implemented in a way that protects people with disabilities from wrongful loss of services without unintentionally worsening access for other highly vulnerable individuals.

We urge the Committee to vote favorable on House Bill 1445, subject to our concerns regarding Section H.

Please contact me with any questions or for additional information.

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