



**MARYLAND
LEGAL AID**

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January 19, 2022

The Honorable Delores Kelley
Chair, Senate Finance Committee
3 East
Miller State Office Building
Annapolis, MD 21401

**Re: Support for Senate Bill 28: Home and Community Based
Services Waiver – Participation and Applications**

Dear Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of SB28. This Bill will require the Maryland Department of Health to invite at least 600 individuals on the Home and Community Based Options Waiver waitlist per month to apply for the Waiver.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining employment, child custody, housing, and a driver's license. MLA provides this written testimony at the request of Senator Kelly.

The Maryland Medical Assistance Program provides access to medical care and health-related services to low-income people, including older adults and people with disabilities of all ages. The Home and Community Based Options Waiver (HCBOW, or Waiver) is a Medical Assistance program that provides certain services to persons who have nursing home level of care. These services include personal care (such as bathing, dressing, toileting), nurse monitoring, assisted living, medical daycare, and more in a disabled person's home and the community. These services and supports enable older adults and people with disabilities to live in the community instead of in an institution such as a nursing home.

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04.2021



There is a cap of 7,500 people who can be served under the Waiver. As of November 1, 2021, there were 4,181 participants. The number of individuals who request the HCBOW services far exceeds the cap. As a result, the Maryland Department of Health maintains a waiting list for people to apply, called “the registry.” There are currently over 20,000 Marylanders on the registry.

Several MLA clients have been waiting for many years for an invitation to apply for HCBOW services. The only way to bypass the waiting list is to sign themselves into a nursing home, apply for and be determined eligible for Medical Assistance Long Term Care benefits, and then apply for the HCBOW to return into the community. This process can take more than six months and is not a practical solution. While in nursing homes, these individuals risk losing their homes, Section 8 vouchers, and community support.

MLA supports SB28, as it requires the Health Department to invite at least 600 individuals on the registry per month to apply for the Waiver. This would rapidly increase the number of individuals served. It would fill the 2,500+ vacancies and significantly reduce the number of people on the waiting list. Most importantly, it will allow older adults and people with disabilities to continue living in the community with the essential support of families, friends, and caregivers rather than in an institution.

Thank you for considering this written testimony. For the reasons stated above, **MLA urges a favorable report on SB 28.**

Sincerely,

/s/ Mary Aquino

Mary M. Aquino
Senior Attorney for Elder Law