

SENATOR DELORES G. KELLEY
Legislative District 10
Baltimore County

—
Chair
Finance Committee

—
Executive Nominations Committee
Rules Committee
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR DELORES G. KELLEY
REGARDING SENATE BILL 28-HOME AND COMMUNITY BASED
SERVICES WAIVER-PARTICIPATION AND APPLICATIONS
BEFORE THE SENATE FINANCE COMMITTEE
ON JANUARY 25, 2022

Mr. Vice Chairman and Members:

The Maryland Medicaid Home and Community Based Services Options

Waiver is designed to help certain disabled Marylanders who meet income guidelines to receive assistance in their homes with bathing, dressing, toileting, eating, and with management of their medicines. The problem in Maryland is that the waiting list of eligible registrants is over 22,000 persons, and the wait for services is about 8 years. This long waiting list exists because the HCBO is not required to meet the service demand. Maryland is therefore not operating HCBO in accordance with federal standards, nor with our level of need.

- **In 1999, the United States Supreme Court held that individuals of any age who have disabilities have the inalienable right to receive state-funded long-term services and supports in the community rather than in institutions. (Olmstead v.LC. ex.rel. Zimring, 527 US 581.)**
- **Maryland's current State Plan on Aging states that one of our primary goals is "to finance and coordinate high quality services that support individuals with long term needs in a home or community setting."**

Home and community-based care makes financial sense.

- **Maryland is currently benefiting from an enhanced Federal match because of recent Federal Financial Relief packages.**
 - **CARES Act bump is 6.2%. On the HCBS ARPA funds there is that year of possible 10% addition for HCBS program.**
 - **While it is time limited those enhanced match funds could be used to cover any short-term increase in costs until savings are realized from decreased nursing home costs.**

Elena Sallitto, Esq., President of the National Academy of Elder Law Attorneys, MD-DC Chapter will explain in depth the budgetary benefits to the State of Maryland from passing this Bill. Other states that have expanded HCBS services have saved tens to hundreds of millions of dollars by allowing disabled people to get the care that they need in their own homes instead of placing them in a nursing home.

Senate Bill 28 will solve long term issues with Maryland's Home and Community Based Options Waiver program by:

- **Requiring a cap on waiver participation of not fewer than 7,500;**
- **Requiring the Department to establish a plan for waiver participation of not fewer than 7,500;**
- **Requiring the Department to send a waiver application to at least 600 individuals on the waiver waitlist or registry per month; and**
- **Requiring the Department to clearly and conspicuously state when the application must be submitted and when eligibility criteria must be met.**

I am submitting for the Committee's consideration the following amendments:

- 1. a requirement that the Department apply to the Centers for Medicare and Medicaid Services for an amendment to the Home and Community Based waiver to increase the waiver cap size to be consistent with this act;**
- 2. the addition of Senator Joanne Benson as a co-sponsor.**

I am asking for your favorable report on SB 28.