



## Maryland/DC Chapter

### OFFICERS:

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**SUBJECT:** House Bill 1176 – Home and Community Based Services Waiver - Eligibility

**COMMITTEE:** House Health and Government Operations Committee  
The Honorable Joseline Peña-Melnyk, Chair

**DATE:** Thursday, February 29, 2024

**POSITION: FAVORABLE**

The MD/DC Chapter of the National Academy of Elder Law Attorneys supports HB1176 and urges the Committee to vote favorable.

Under the current law, government assistance with home and community based long-term services and supports is reserved exclusively for the poorest of the poor. To qualify for aid, an individual cannot have more than \$2000 in total countable resources, and income must be less than 3 x SSI or, \$2,829/month.

Private insurance and Medicare do not pay for long-term care and the costs are prohibitive leaving the rest of the state desperately struggling to find affordable care. Maryland Medicaid is available only for inpatient care in a nursing home thus forcing those who cannot find the resources or support system to remain in their homes into hospital like institutions to live out their final days. Our policies destroy families, steal personal freedoms, autonomy and dignity and ultimately costs taxpayers more as we pay for institutional care that is considerably more expensive than care that could be provided at home.

HB1176 raises the income cap to 6 times SSI or \$5658/month making home and community based services and supports available to many more people. It is less expensive to the state and preserves the dignity and civil rights that are otherwise stolen by the institutions.

Equally as urgent as raising the income cap, is demanding that the Maryland Department of Health issue regulations, not just for CFC issues, but for all of its mandate under Health-Gen Section 15-132. Without regulations, neither the Department nor the public is clear on their mutual rights and responsibilities. Elder law attorneys are often at a loss as to how to advise clients, and the Office of Administrative Hearings is clogged with appeals that would not be necessary if there were clear guidelines adopted as a result of a rule-making process that had the input of all stakeholders.

During the 2022 session, the General Assembly amended Md. Code Health Gen. Section 15-132 to require the Department to issue 600 invitations to those on the HCBOW registry and give them

6 months to satisfy the eligibility requirements. That mandate has been ignored and the Department continued business as usual. This has resulted in administrative appeals that could have been avoided had the Department done what it was supposed to do. From the viewpoint of the private elder law bar, it appears that the Department of Health is either purposefully ignoring the role of the General Assembly or is institutionally incapable of carrying out its mandates, at least as far as its Medicaid long-term care programs.

We urge the Committee to vote favorable on HB1176 and provide any other assistance the Department might need in order to do its job and protect the health of the citizenry.

Please contact me with any questions or if you want any additional information.

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