

Employed Individuals with Disabilities Program
Testimony on HB 822
Equal Love for Employees with Disabilities Act
Position: FAVORABLE

March 4, 2024

The Honorable Joseline A. Pena-Melnyk, Chair
Health and Government Operations Committee
House Office Building, Room 241
6 Bladen St., Annapolis, MD 21401
cc: Members, Health and Government Operations Committee

Dear Chairwoman Pena-Melnyk and Esteemed Health and Government Operations Committee Members:

My name is Josh Basile and I am submitting written testimony in support of Maryland Medical Assistance Program - Employed Individuals With Disabilities.

I became a power wheelchair user paralyzed below my shoulders as a teenager when a wave picked me up and slammed me headfirst against the ocean floor breaking my neck. I spent the first four weeks at the University of Maryland Baltimore Shock Trauma critical unit, where I could not speak because of a ventilator helping me to breathe. When I regained my voice, I decided that every word from that moment on would be made with purpose. That day I became an advocate for life and since then I have never stopped wheeling after my dreams of pursuing an education, becoming employed, falling in love, and starting a family.

After eight years of receiving vocational assistance and supports from Maryland's Division of Rehabilitation Services, I made it onto their website as a Spotlight Success Story. During this time, I returned to school, first at a community college, then graduated cum laude from the University of Maryland College Park, and ultimately graduated magna cum laude from law school. Soon after graduating, I passed the bar and successfully gained employment in 2013.

At this time, I enrolled in the Employed Individuals with Disabilities program known as EID. After diving deeper into the EID program rules, it was upsetting to learn that my future would be greatly limited and impacted by strict EID thresholds on earnings, saving responsibly, equal loving for those wishing to pursue marriage, and rules forcing retirement at age 65. I learned that if I had an income at or below 300% of the federal poverty level, could not save more than \$10,000 for a rainy day, or if I were to get married to a spouse with a job, I would lose all of my Medicaid and caregiving supports. I learned that EID enrollees who fall in love are told to get happily divorced or remain as cohabitated partners for life to maintain EID and Medicaid eligibility. I also learned that I would be forced to retire at age 65 because of eligibility rules.

To overcome these barriers, I chose to proactively advocate for my future and other Marylanders with disabilities wishing to work without limits. I first turned to Governor Hogan and during an in-person meeting in 2018, I shared my employment journey and asked for his support to change the current policy and limits through administrative rule changes. He was receptive and I worked closely with his administration and other disability stakeholder groups to make the much-needed

changes. Within the Hogan administration, we had 15 meetings discussing EID reforms over multiple years.

In September 2021, the State agreed to remove all income limits and all enrollee asset limits placed within Independence Accounts but the State would not remove spousal income from monthly premium calculations or the age 65 rule. These changes were contingent on securing appropriations. In January 2022, the administration formally requested appropriations within the proposed budget with at least \$4.6 million being added to the EID program in fiscal 2023. On January 1, 2024, the State finally implemented the income limits and the applicant asset limit changes.

In 2023, Maryland advocates brought forward legislation (HB 657) to remove all income, asset limits, spousal inclusion for premium calculations, and age limits. The State unfairly influenced the Fiscal Note by providing inflated enrollment and cost numbers which killed the Bill's chances of passing through the House and Senate committees. The Fiscal Note provided for 1200 new enrollees. This figure did tremendous harm.

Since the EID program started 18 years ago, it has never had more than 850 enrollees. For more accurate enrollment numbers, it is important to look at Washington State. In 2019, Washington State passed legislation removing the income limit and age limit above 65 and older. Before making this legislative change, the Washington State Medicaid buy-in did not have an asset limit for applicants. Effective 1/1/2020 – the enrollment over four years only increased by 216 enrollees.

For both Maryland and Washington State, those who do enroll more likely than not already come from a Medicaid eligibility group. These enrollees are already receiving Medicaid, but now can pay monthly premiums and taxes. Many enrollees after gaining employment will start receiving employer-sponsored health insurance as well. Enrollees are contributing to society and have additional dollars to pay for everyday medical and quality-of-life expenses. Having people with disabilities in the workforce is good public policy, especially those with the most significant disabilities who will remain in Medicaid no matter what, just to survive. There are so many factors that make these reforms a win-win scenario.

It breaks my heart to see that the current EID rules punish those who turn 65. Having a significant disability, comes with great added expenses, and retirement is just not an option for most. Forcing any person of any ability to choose between work and Medicaid because of their age is cruel and removes from the State of Maryland workforce not only talent but also additional premiums and taxes. At least 18 States include workers 65 and older in their Medicaid for Workers with Disabilities group: CA, CO, CT, MA, MN, MS, MT, NH, NJ, NM, OR, PA, RI, TX, UT, VT, WA, WI.

For myself and many other Marylanders with disabilities who rely on the EID program to live healthy, meaningful, and fulfilling lives, HB 822 will turn the far-off dream of marriage and career advancement without limits into a reality. The Bill does not do everything but it does a lot. As a concession from last year's Bill, we decided not to include the removal of the asset limit tests for an applicant. This was temporarily included at first by mistake in our original bill but has since been removed by amendment. We are so grateful for Delegate Cullison's leadership and support behind HB 822.

I remain dreaming of the day when I can marry the love of my life. If Katie and I were to get married, because of EID's strict spousal inclusion rules on premium calculations, my monthly EID

Premium would go from \$55 per month to around \$500 per month. This is a huge disincentive to getting married. Katie has to pay for her own personal private health insurance and receives no added health care benefits from my EID enrollment. The EID program is there to pay for my health care and does not cover any of Katie's.

Even with the EID rules delaying marriage plans for Katie and I, it did not stop us from starting a family together out of marriage. Two years ago, I became a daddy to a healthy 6-pound 12-ounce baby boy. Calder just started preschool this past January. Every night I dream of the day when I can wheel down the aisle with Calder in my lap, with my beautiful stepdaughter as the flower bearer, and exchange vows and say I do.

Lastly, it is so important that Katie and I can get married so that our family can have important protections and remain together. If Katie were to die, it is terrifying to think what would happen to my son and stepdaughter. As of now, the courts do not officially recognize us as a family. Keeping the family intact would involve getting married and petitioning the court so that I can officially adopt my stepdaughter. These little things are not so little. They are life-changing and family-changing.

With your support and Health Government and Operations Committee approval of HB 822, I and many others will be one step and wheel rotation closer to making the way down the aisle to marriage and making dreams come true. I'm looking forward to a future where I can work my wheels off in a career of my choice, get married, retire when I choose to retire, and where I can continue to be a proud tax-paying citizen of this great state. Thank you for your time and consideration!

Sincerely,
-Josh Basile
C4-5 Quadriplegic
District 16 Maryland Resident
Josh.Basile@gmail.com

Effective 1/1/2020 WA made changes to their Medicaid for Workers with Disabilities group:

- Added workers 65 and older (now age 16 and older)
- Removed the income limit (WA already had no asset limit for the group)
- Added a provision which for the purpose of Medicaid eligibility after enrollment in Healthcare for Workers with Disabilities (HWD), disregard (not count) earnings while enrolled in the Healthcare for Workers with Disabilities eligibility group.

Impact of the changes provided by the WA Health Care Authority (HCA)

State Fiscal Year	Average Enrollees	Total Spend	Federal Match
2020	1513	\$2,367,956	\$1,315,792
2021	1620	\$4,799,036	\$2,429,063
2022	1776	\$5,302,102	\$3,027,874
2023	1895	\$6,223,171	\$3,512,946
2024*	1729	\$3,161,377	\$1,791,782

* Data presented here are from the Health Care Authority's Expenditure

(Washington, like Maryland, is a 50% Medicaid FMAP state)

Forecast, October 2023. Healthcare for Workers with Disabilities clients are identified using the Forecast Medicaid Eligibility Group 1290. The data for SFY2024 are projected.

Additional information provided by HCA:

- Average enrollment in HWD over a three year (2020 – 2023) = 1705 individuals/year

A random month was picked to review for income and premiums (02/2023) and provides the following information:

- Average earnings of members in this month were \$1675.87.
- Average unearned income of members in this month were \$1034.28.
- Average monthly premium= \$135.79. Highest premium was \$1954/month. WA's Alaska Native/American Indian population does not pay a premium.

WA noted that they have individuals working and earning very high salaries and they have individuals who are in between jobs. Individuals are required to be employed at the time of application and at the time of renewal. If they become unemployed in between renewals, they keep their HWD coverage if they continue to pay their monthly premium. WA also noted that they have individuals who have very high unearned income and individuals who have no unearned income. They included those nuances regarding high earnings and unearned income to show that they have a *wide range of income* with their HWD population.