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Maryland Association of Community Services  
2023 LEGISLATIVE SESSION WRAP-UP  
REPORT



# **Fiscal Year 2025 DDA Budget Expansion**

## **Operating Budget**

Despite a challenging budget forecast, the General Assembly passed the FY 2025 Developmental Disabilities Administration (DDA) budget as introduced by Governor Wes Moore, with full finding intact. Expansion funding approved by the General Assembly includes:

- \$58m for a 3% rate increase for community supports and services;
- \$14.2m to support approximately 566 Transitioning Youth;
- \$13.9m to support 38 people in emergency situations;
- \$14.2m to support 212 people in crisis resolution and crisis prevention categories on the DDA Waiting List;
- \$1.125m in Waiting List Equity Funds to support 27 people on the Waiting List, with priority given to the oldest caregivers; and
- \$1m for rent subsidies for people moving into their own homes.

It is worth noting that the DDA budget will surpass \$2 billion dollars in FY25. For perspective, in FY 2004, the DDA budget was \$488.6m. Since then it has grown over \$1.6 billion, an increase of 330%. Over the same time period, the overall State budget has grown from \$22.8 billion to \$63.1 billion, an increase of 177%. With DDA outpacing the State budget in growth, it has gone from 2% of the overall State budget, to 3.3% over the last 21 years – a significant change.

## **Budget Bill Language**

The budget committees frequently add language to the budget bill setting requirements for reports by departments of State government on topics of interest. Below is the budget language that relates to developmental disability supports in the FY 25 budget.

### ***LTSS Transition***

The General Assembly adopted reporting requirements pertaining to DDA, requiring the Maryland Department of Health (MDH) to:

- submit a report to the budget committees, due by January 1, 2025, regarding the ongoing transition to a fee-for-service reimbursement system and year-to-date expenditures for that system. The report shall include fiscal 2025 Long Term Services and Supports (LTSS) utilization and spending by service type (residential services, meaningful day services, personal support services, and other services), including the number of claims, the number of services provided, and the total payments for each service type by month through November 2024. The report shall be submitted by January 1, 2025.

- submit a report, due by October 1, 2024, including:
  - the amounts of the upfront lump sum payments to providers in fiscal 2023 and fiscal 2024 during the provider transition to the Long Term Services and Supports system;
  - the reason for the additional upfront lump sum payments; and
  - the status, plan, and timeline for recouping duplicate payments.

***End the Wait and Provider Capacity***

Legislation passed in 2022 required the MDH to develop plans to reduce the waitlists for Medicaid home and community-based services (HCBS) waiver programs by 50% beginning in fiscal 2024, including the waiting lists for DDA waivers and the Autism waiver. MDH indicated that wait lists and registries for HCBS waiver programs have grown, and some authorized slots have not been filled due to the limited capacity of the HCBS provider network. Funding is included in the fiscal 2024 and 2025 budgets for end the wait initiatives, and a portion of the funds are specifically allocated to improve HCBS provider capacity. The committees requested that MDH submit a report on end the wait initiatives, no later than October 1, 2024, to include:

- the efforts taken in fiscal 2024 and 2025 year to date to implement the HCBS waiver reduction plans;
- an analysis of the extent of Medicaid HCBS provider capacity shortages, detailing the Medicaid HCBS waiver programs and local jurisdictions with the lowest supply of available slots and providers;
- actual uses of funding in fiscal 2024 and planned uses of funding in fiscal 2025 to improve HCBS provider capacity; and
- any other efforts by MDH to improve HCBS provider capacity.

***Self-Directed Services***

In addition, there is extensive budget language regarding Self-Directed Services. The committees requested that DDA submit a report, no later than October 31, 2024, detailing the formulation of and expenditures on individualized budgets within the self-directed services model, including:

- detail on how individualized budgets within the self-directed services model are formulated and how the process and resulting budgets differ from budgets formulated within the traditional services model;
- the number of individuals in the self-directed services model and in the traditional services model in fiscal 2024;

- a comparison of total approved person-centered plan (PCP) budgets and total spending and average approved PCP budget per person and average spending per person for individuals in the self-directed services model and traditional services model shown separately and reported as actual data for fiscal 2023 and 2024;
- the number of IFDGS requests, average amount for each request, and total amounts expended on IFDGS in fiscal 2023 and 2024, broken down by the following categories:
  - (1) recruitment and advertising;
  - (2) day to day administrator; and (3) other goods and services;
- the percentages of individuals in the self-directed services model with approved IFDGS services spending:
  - (1) above the proposed cap but below \$7,000;
  - (2) between \$7,000 and \$10,000; and
  - (3) over \$10,000;
- a description of DDA’s review process for IFDGS requests, including common reasons IFDGS requests are denied and the number of request denials in fiscal 2023 and 2024;
- proposed recommendations to improve or expand the review process for IFDGS requests, including the number of positions and administrative costs that would be required to expand review of IFDGS services; and
- proposed recommendations to balance timely access to services for participants, while meeting federal home and community-based services waiver program integrity requirements.

## Legislative Highlights

During the legislative session, MACS tracked over eighty pieces of legislation that would have a potential impact on people with developmental disabilities and community providers. Our efforts included providing written and oral testimony, organizing grassroots testimony, meeting with legislators, conducting research, and closely monitoring the progress of each bill. A subset of those bills are highlighted below, based on their impact on the developmental disability community.

### Disability-Specific Bills

**HB195 / SB817 – Public Safety – Missing Persons with Cognitive Impairment – Purple Alert Program (Del. M. Guyton / Sen. A. Ellis), PASSED** – This bill establishes a public alert system for missing adults with cognitive / intellectual/

developmental disabilities, a psychiatric disorder, or who are deaf, similar to the existing amber and silver alert systems. The legislation also includes requirements for training of local law enforcement agencies on the guidelines and procedures to be used to handle a report of a missing person.

**HB336 / SB592 – Maryland Achieving a Better Life Experience (ABLE) Program – Materials for Individualized Education Program Meetings (Del. C. Forbes / Sen. C. Zucker), PASSED** – This bill requires that written information regarding the MD ABLE Program be provided at least once annually to the parents of a child, at an individualized education program or individualized family service plan team meeting. The information must be provided in the parent’s native language.

**HB509 / SB599 – Developmental Disabilities – Community Providers – Federal Participation for Local Funds (Del. A. Kaiser / Sen. B. Kramer), FAILED** – This bill would have required the MD Department of Health (MDH) to develop a process to draw down federal matching funds for county funds that are used for developmental disability services, at the request of any local county. This bill raised a complex set of issues related to the DDA waivers and rate system, and although the bill did not pass, the bill sponsors will be moving forward with a workgroup to discuss the issue during the interim.

**HB698 / SB759 – Estates and Trusts – Guardianship of the Person of a Disabled Person – Expedited Proceedings (Del. S. Bartlett / Sen. A. Kelly), FAILED** – This bill would have required that the courts rule on a petition for guardianship for someone with a disability seeking transfer from a hospital within 10 days. The bill raised concerns regarding the impact of swift guardianship decisions on people with disabilities and others, and was withdrawn following extensive opposition from several advocacy sectors.

**HB773 / SB597 – Human Services – Individuals with Disabilities and Service-Disabled Veterans Boating Fund (Del. D. Jones / Sen. G. Guzzone), PASSED** – This bill establishes a fund in the Department of Disabilities that, dependent on the availability of funding, will provide grants up to \$40,000 for non-profit agencies that engage people with disabilities and veterans in a variety of boating and water-based activities.

**HB822 / SB790 – Maryland Medical Assistance Program – Employed Individuals with Disabilities (Del. B. Cullison / Sen. K. Klausmeier), PASSED** – This bill puts into statute recent changes made by MD Medicaid to expand the Employed Individuals with Disabilities Program to allow enhanced utilization of this vital program, supporting greater employment opportunities while maintaining access to certain Medicaid waivers.

**HB1359 – Facilities – Disabilities and Juveniles – Community Relations Plans (Del. S. Rosenberg), FAILED** – This bill would have required DDA-licensed group homes to have community relations plans that include regular updates to local community organizations around each group home regarding community relations issues, parking, traffic complaints, construction, and general activity around the group home. It also would have required a way for communities to provide feedback regarding the community relations plan. This bill was likely in violation of federal fair housing law, and was withdrawn by the sponsor.

### **Labor and Employment / Insurance**

**HB649 / SB525 – Labor and Employment – Equal Pay for Equal Work – Wage Range Transparency (Del. J. White Holland / Sen. A. Kelly), PASSED** – This bill requires that employers disclose the minimum and maximum wage range for open positions, or the budgeted amount for the position, in public and internal job postings. Information must also include a general description of benefits and any other offered compensation. If the information is not included in the job posting, the employer shall provide the information before a discussion of compensation is held with the applicant. A record of compliance must be kept for at least three years.

**HB998 / SB846 – Maryland Department of Labor – Unemployment Insurance – Study on Actively Seeking Work Requirements (Del. C. Adams / Sen. A. Ellis), PASSED** – This bill requires that the MD Department of Labor conduct a study on the actively seeking work requirement for unemployment insurance, to evaluate the effect of “ghosting”. The study must be completed no later than December 1, 2024.

### **Caregiving**

**SB202 – Department of Aging – Caregiver Expense Grant Program – Established (Sen. J. Benson), PASSED** This bill establishes a caregiver grant program for caregivers of seniors and adults with disabilities, based on certain criteria. The maximum grant amount is \$2,500, and grant availability will be dependent on funding in the budget annually.

*For more information, please contact:*

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