



## Commission on People with Disabilities

February 13<sup>th</sup>, 2019

### Welcome and Approval of January 2019 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the January 2019 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the January 2019 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at [www.montgomerycountymd.gov/cpwd](http://www.montgomerycountymd.gov/cpwd).

### The Maryland General Assembly Overview of Bills – Neal Carter, Commissioner

You can download the app Maryland Government Directory on your smartphone to access a digital directory of the entire Maryland General Assembly and their contact information.

For any of the bills listed below, testimony can be given in person or virtually. Any individual can call the sponsoring Delegate(s) to discuss or provide input regardless if you are their County constituent. Individuals can represent themselves as private citizens. Commissioners cannot represent the Commission unless the Commission has received clearance from the Office of Intergovernmental Relations (OIR) and the Commissioner is advocating the County's approved position.

### From the Office of Intergovernmental Relations:

- [Maryland Congressional Delegation Committee Assignments](#)
- [U.S. Congress](#)
- [Find your Federal and State elected officials \(Maryland State Archives\)](#)
- [View detailed information about Maryland's 24 counties \(Maryland Association of Counties\)](#)
- [View list of Maryland Cities and Towns including elected officials \(Maryland Municipal League\)](#)
- [Maryland Manual Online: A Guide to Maryland \(Maryland State Archives\)](#)
- [Maryland General Assembly](#)
- [Montgomery County Delegation](#)
- [View archived videos for Public Hearings Conducted by Montgomery County Delegation](#)
- [Maryland Association of Counties](#)
- [National Association of Counties](#)
- [Maryland Municipal League](#)

### HB0517 / SB0460 – Pedestrian Safety Fund Act of 2019

**Synopsis:** Establishing a minimum fine of up to 2 months imprisonment or a fine of not less than \$150 and not more than \$500 or both that may be imposed for a violation of certain provisions of Maryland Vehicle Law regarding crosswalks; establishing the Pedestrian Safety Fund for the purpose of enhancing the safety and quality of pedestrian and bicycle transportation to include educational programs for bicyclists, motorists, and pedestrians, certain physical design changes, and increased enforcement of existing rules; etc.

Filed jointly by Delegate Stewart and Senator Waldstreicher. There will be a hearing by the House on February 21<sup>st</sup> at 12:00 p.m.

Neal noted that the bill does not specifically discuss pedestrians with disabilities. He made his concerns known to Delegate Stewart who reached out to Neal to discuss. Delegate Stewart stated he is willing to have conversations regarding the language of the bill. Delegate Stewart also stated that he currently does not know of any existing violations for failure to yield to disabled pedestrians and the funding could be used for any and all road enhancements for the disabled community. The bill increases the current fine amount.

Pedestrian safety is a real issue especially for the blind community. There is also confusion for pedestrians as some think they have the right of way if they are waiting on the curb and are not in the crosswalk yet. The bill does not define bicyclists as motorists who can be fined for not following the law. Oftentimes bicyclists view themselves as pedestrians who have the right of way. Trish Gallalee, Vice-Chair, added that there are other electric transportation devices, including hoverboards, that individuals use on sidewalks.

#### [HB0145 / SB0301 – Hospitals – Patient’s Bill of Rights](#)

**Synopsis:** Requiring each administrator of a hospital to provide patients with a certain patient's bill of rights; requiring each administrator of a hospital to provide certain patients with a translator, an interpreter, or another accommodation to provide certain assistance to patients; requiring each administrator of a hospital to conspicuously post copies of the patient's bill of rights on the hospital's website and in areas of the hospital accessible to patients; etc.

Filed jointly by Delegate Young and Senator Benson. There will be a hearing by the Senate on February 28<sup>th</sup> at 1:00 p.m. Neal suggested that if Commissioners want to provide testimony on this bill they include stories from their own life.

This bill has been brought forward many times. Neal noted it has the possibility of passing this year as it has been cross-filed. The developmental disability community and other disability advocacy groups have joined on in support of this bill.

It was asked how this bill would affect the broader community seeking medical attention at smaller facilities. This bill only applies to hospitals and not to affiliated health care facilities or private providers. It was suggested the bill have broader applicability. Betsy noted that she has received over the years from doctors is the cost of sign language interpreting services (\$300) in comparison to the fee they receive from insurance for an appointment (\$40). It was suggested that insurance should cover the costs of sign language interpreters. Betsy also received complaints from patients with service dogs that were denied medical service because the hospital or provider would not allow the service dog in the facility. Kathy Mann Koepke, Commissioner, discussed the accessibility of the medical facility and, for example, restroom facilities that are not accessible to individuals who use wheelchairs making it impossible to give urine tests. Larry Bram, Commissioner, noted that the mental health clinic at Easterseals has a separate waiting for room for people who need it.

Trish suggested moving forward with this bill addressing hospitals as a first step and then moving on to smaller facilities and private providers. Currently hospitals do not have anything like this in effect. Neal added that currently very few states have a Patient’s Bill of Rights such as this. While the ADA does cover individuals with disabilities, it is only by lawsuit many times and if the patient files a complaint.

It was asked where the language from bill came from. Neal said the Senate Finance Committee conducted a study on patient bill of rights from different states several years ago. They may have pulled from an NIH study. The bill requires that the patients bill of rights be written in plain language to be posted at facilities.

#### [HB0166 / SB0280 – Labor and Employment – Payment for Wages – Minimum Wage and Enforcement \(Fight for Fifteen\)](#)

**Synopsis:** Specifying the State minimum wage rate that is in effect for certain time periods; increasing, except under certain circumstances, the State minimum wage rate based on the annual growth in the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area; specifying the tip credit amount that is in effect for certain time periods; prohibiting an employer, beginning July 1, 2027, from including the tip credit amount as part of the wage of certain employees; etc.

This bill phases in an increase in the State minimum wage to \$15.00 per hour by fiscal 2024 and indexes it to inflation beginning July 1, 2024. The bill expands the applicability of the Maryland Wage and Hour Law, eliminates specified subminimum wages, expands anti-retaliation provisions of specified labor laws, and phases out (by July 1, 2026) the tip credit that can be applied against direct wages paid to “tipped” employees. Additionally, the Governor’s proposed budget for the Developmental Disabilities Administration (DDA) must include specified rate increases for community service providers over the funding provided in the prior year’s legislative appropriation. The bill takes effect June 1, 2019.

Filed jointly by Delegate Fennell and Senator McCray. The House has already held a hearing on this bill. Neal stated that the bill has received a lot of attention and the hearing lasted approximately 9 hours long.

The bill is a version that has already passed in Montgomery County.

One reason for the Commission to support this bill is that DDA would be reimbursing counties more money for care. Betsy noted that currently Prince George’s County pays \$3,000,000 per year to supplement providers and Montgomery County puts in \$17,500,000 per year to supplement providers. Other counties do not supplement the DDA rates to providers. This bill would help drive the reimbursement rates up for the whole state of Maryland. Betsy noted that the County is looking at how to give the \$17,500,000 supplement to the state for them to include these funds for a Medicaid match. Betsy stated that the state chooses how much money they put in for Medicaid, not the federal government.

**FYI - Here are the 10 most expensive places to live in Maryland for 2019 ([www.homesnacks.net/most-expensive-cities-in-maryland-127561/](http://www.homesnacks.net/most-expensive-cities-in-maryland-127561/)) :**

1. Mount Rainier
2. College Park
3. Annapolis
4. Rockville
5. Gaithersburg
6. Easton
7. Ocean City
8. Takoma Park
9. New Carrollton
10. Bladensburg

It was noted for non-DDA Medicaid provider services there is no provision to raise the rates. Medical adult day care costs are increasing by 35% with no increase in reimbursement. Anne Peyer, Commissioner, said Cornerstone Montgomery and other behavioral health agencies have been testifying in Annapolis about this issue.

[HB0341 / SB0500 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment \(Time to Care Act of 2019\)](#)

**Synopsis:** Establishing the Family and Medical Leave Insurance Program; providing for the manner in which the Program is to be administered; providing for the powers and duties of the Secretary of Labor, Licensing, and Regulation under the Program; requiring, beginning on January 1, 2020, certain employees and employers to pay the Secretary certain contributions; requiring, beginning on July 1, 2021, an individual to meet certain conditions to be eligible for benefits; etc.

This bill would create a fund different from a flexible or health savings account to be used for medical services, but would assist with a person's income if they were on leave

[HB0435 / SB405 – Health Insurance - Prescription Drugs - Formulary Changes](#)

**Synopsis:** Prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from making certain formulary changes during a plan year and the open enrollment period that precedes the plan year, except under certain circumstances; defining "utilization management restriction"; and applying the Act to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2020.

[HB0580 – SB0412 – Income Tax - Personal Exemption - Disabled Individuals](#)

**Synopsis:** Authorizing individuals who have a permanent physical disability to deduct \$1,000 as a personal exemption under the Maryland income tax; applying the Act to taxable years beginning after December 31, 2018; etc.

Seth noted that the exemption is for costs related to an illness. For example, a cushion for a motorized wheelchair can cost up to \$500 but is not covered by insurance. The individual could apply for this exemption for the cost.

[HB 1192 - Assembly Areas - State-Funded Construction or Renovation - Assisted Listening System Requirement](#)

**Synopsis:** Requiring certain recipients of State funds to install an assistive listening system in an assembly area during construction or renovation of the assembly area under certain circumstances; authorizing certain recipients of State funds to apply for a waiver from the requirement of a certain provision of the Act under certain circumstances; requiring that the waiver request include a certain description; establishing the Hearing Accessibility Advisory Board; etc.

Emily Lucio, ADA Title II Coordinator, Department of General Services (DGS), was asked to provide input on this bill for DGS.

[HB1170 / SB0528 - Behavioral Health Services Matching Grant Program for Service Members and Veterans - Establishment](#)

**Synopsis:** Establishing the Behavioral Health Services Matching Grant Program for Service Members and Veterans; providing for the purpose of the Program; requiring the Maryland Department of Health to administer the Program; requiring the Program to award certain grants to nonprofit organizations to establish and expand certain community behavioral health programs; establishing a certain eligibility requirement; requiring an eligible nonprofit organization to secure certain contributions for the proposal; etc.

Betsy has sent this bill out to the Commission on Veterans Affairs for feedback. Some Veterans prefer to visit a VA facility for care rather than a non-profit. Larry noted that Easterseals served over 500 Veterans/family members last year and that Secretary Owings, Maryland Department of Veterans Affairs, is in support of this bill.

Neal suggested that the Commission send letters of support for any of the above bills. It wasn't until the last year or so that our Charter allowed the Commission to advocate at the state level. The Commission must first get approved by OIR before sending any letters. Betsy noted that she has been providing input on legislation for DHHS for the last 26 years. Betsy is one of several staff that provides comments on bills relating to persons with disabilities for the Department of Health and Human Services (DHHS). She comments regarding how the bill will impact the County. She may not always comment the way the Commission indicates, but typically the County will take the same position. The County's position is then shared with the whole delegation. Commissioners can send her bills that they want her to review.

**Chair and Vice-Chair Report – Seth Morgan and Trish Gallalee:**

Seth reported he was in Annapolis today for the MS Society to meet with legislators. The developmental disability community was also meeting with legislators today.

The Commission needs to finalize their FY20 funding priorities for testimony in April before the County Council. Betsy sent a draft of priorities to be reviewed by Commissions prior to the meeting. Priorities included:

- Providing funding to Department of Recreation for purchase of additional accessible vans. DR currently only has one accessible van available.
- Funding for more respite care.
- Pedestrian and Bicycle Safety. Unfortunately, the rescheduled meeting with Councilmember Hans Riemer was cancelled due to inclement weather. The meeting is being rescheduled again.
- Employment - with current proposed changes to Medicaid Waivers and Maryland Division of Rehabilitation Services (DORS) funding there is a need to increase funding for employment opportunities for people with disabilities in the County and the private sector.

Betsy noted that DDA will be making changes that will not allow funding for certain types of employment opportunities. For example, the County has seven AP-10 contracts to non-profit agency groups to have 3 to 5 clients work on carved out jobs such as cleaning out garages or sorting books at the library. DDA will not fund this as it is not competitive employment. Marcia Rohrer, DORS, said they cannot support the AbilityOne contracts either that provide employment for persons with disabilities. DDA proposes to only support competitive, integrated employment at whatever the minimum wage is for that locality. The individual with a disability needs to be paid the same wage as a non-disabled person doing the same job.

Kathy Mann Koepke, Commissioner, reported Councilmember Hans Riemer is sponsoring [Zoning Text Amendment \(ZTA\) No.: 19-01 – Accessory Residential Uses – Accessory Apartments](#), which would remove the requirement for condition use approval for all accessory apartments. She said that this could potentially create safer housing for persons with disabilities. Betsy will send ZTA No. 19-01 out to Commissioners for review. Seth noted the Commission can give testimony at the hearing if the Commission develops a position.

The Steering Committee will meet next Wednesday, February 20<sup>th</sup> from 5:30pm to 7pm at 401 Hungerford Drive, Rockville.

#### **Ex-Officio and Member Updates:**

Susan Smith, Housing Opportunities Commission (HOC), reported HOC will be notifying individuals on their waitlist for the 99 housing vouchers they were awarded for non-elderly persons with disabilities ages 18 to 61 who are transitioning out of institutional or other separated settings (nursing homes, group homes); at serious risk of institutionalization; homeless; or at risk of becoming homeless.

#### **Announcements:**

None.

**Next Full Commission Meeting:** Wednesday, March 13<sup>th</sup>, 2019 from 6pm to 7:30pm at Executive Office Building, 101 Monroe Street, Lobby Auditorium, Rockville, MD 20850

**Steering Committee Meeting:** Wednesday, March 20<sup>th</sup>, 2019 from 5:30pm to 7pm at Health & Human Services, 401 Hungerford Drive, Conference Rooms 1A/1B, Rockville, MD 20850

Submitted by: Carly Clem, Administrative Specialist I  
Betsy Tolbert Luecking, Community Outreach Manager