



Commission on People with Disabilities

May 9th, 2018

Welcome and Approval of April 2018 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the April 2018 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the April 2018 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Maryland General Assembly Overview on Legislation of Interest - Delegate Kirill Reznik, Maryland General Assembly, District 39

Website: <https://reznikformaryland.com>

Commissioner Neal Carter introduced Delegate Kirill Reznik.

In 2007, after the retirement of Senator P. J. Hogan, and appointment of then-Delegate Nancy King to the Senate, Delegate Kirill was appointed by Governor Martin O'Malley to the remainder of Delegate King's term for District 39.

Initially assigned to the House Health and Government Operations Committee, Delegate Kirill has worked to champion a number of causes including treatment for autism, fairness and transparency in government contracting, patient and consumer safety, and business development and expansion.

Currently, Delegate Kirill serves as Chairman of the Health and Human Resources Subcommittee on the Appropriations Committee, where he leads the effort to craft and approve the State budget for the Departments of Health and Mental Hygiene, Human Resources, Housing and Community Development, Disabilities, and Aging, as well as the Maryland Health Benefit Exchange, Commission on Civil Rights, Office for the Deaf and Hard of Hearing, and the Maryland Institute of Emergency Medical Services System. The jurisdiction for this Subcommittee covers approximately 40% of the State budget. In addition, he serves as the House Parliamentarian, and as a member of the Joint Committee on Federal Relations, Joint Committee for Administrative, Executive, and Legislative Regulations, and the Joint Committee on Spending Affordability.

In 2010 and 2014, Delegate Kirill was re-elected to the House of Delegates, along with Senator Nancy King, and fellow District 39 Delegates Charles Barkley and Shane Robinson. He is currently running for a 3rd term.

Maryland Operating Budget Overview: <http://www.dbm.maryland.gov/budget/Pages/budget-process-overview.aspx>.

The Maryland constitution gives the Governor a great deal of executive power in the budget process, more than in most states or in the federal government. The Governor's budget proposal includes all planned expenditures for the fiscal year. The Maryland General Assembly (MGA) can only cut the operating budget. They cannot add to the budget or rearrange items to spend less in one area and more in another. To get around this caveat, MGA can pass legislation to mandate the Governor include certain items in his budget. Once the legislation becomes a statute, the Governor must fund it. Over 75% of the State budget is now mandated. MGA can also designate money for a particular line item and specify what the Governor can do with it, but the Governor can choose whether or not to spend it for that purpose. If the money goes unused, during the next fiscal year it gets added back into the general fund. The State operating budget must be balanced – when the Governor submits it and when the MGA approves it. The Governor has no veto power once the legislature has passed the operating budget bill. The operating budget bill becomes law immediately upon final passage.

The Health and Human Resources Subcommittee on the Appropriations Committee manages 40% of the entire operating budget – or approximately \$44,000,000. The budget includes what the State pays for health care including Medicaid and funding for state hospitals and state facilities. The budget also includes social services, energy assistance, and housing assistance.

Delegate Reznik noted that in 2018 a record 3,101 bills were recorded for both the House and the Senate. In Maryland, unlike in other states, every bill that is filed is entitled to a hearing and every bill is open for public testimony.

The following legislation was passed this year that affect people with disabilities and their families:

- **HB782 / SB550 – Maryland Achieving a Better Life Experience (ABLE) Program – Modifications:** Current law allows the state to seek payment from a Maryland ABLE account upon the death of the beneficiary for the cost of Medicaid services provided to that individual while the account was open. This “clawback” feature has been a significant deterrent to opening an account so this bill makes important improvements, effective June 1, 2018, to the Maryland ABLE Program. This bill:
 - 1) Prohibits the State, unless required by federal law, from seeking payment from a MD ABLE account or its proceeds for any amount of medical assistance (Medicaid) paid for the designated beneficiary.
 - 2) Allows money and assets in an ABLE account to be transferred on the death of a designated beneficiary to a) the beneficiary’s estate or b) an ABLE account for another eligible individual specified by either the designated beneficiary or the beneficiary’s estate.
- **HB287 / SB461 – Selling or Providing Alcoholic Beverages to Individuals with Intellectual Disabilities and Others – Repeal of Prohibition:** This bill repeals two provisions of law that prohibit a bar, restaurant, liquor store, beer and wine store, or anyone else that has a license to sell alcohol, or their employee from knowingly selling or providing an alcohol beverage to an individual with an intellectual disability; or individual if a family member or guardian has given written notice not to sell or provide an alcoholic beverage to the individuals because of the individual’s “physical condition, intemperate habits, or unsound mind.” Now it is legal to sell and provide alcohol to people with intellectual disabilities throughout Maryland.
- **HB798 - Visual Impairments - Requirements for Student Vision Screening and Information (Atticus Act):** Requires certain vision screenings to be given in the year that a student enters a school system, enters the first grade, and enters the eighth or ninth grade unless evidence is presented that a student has been tested by an optometrist or ophthalmologist within the past year; requiring the results of certain screenings be given to the parents or guardians of certain students with certain educational materials; and requiring that certain additional information be provided to parents or guardians of students who fail a certain vision screening.
- **HB1615 / SB1231 – Human Services - Temporary Disability Assistance Program (TDAP):** The bill mandates an increase of \$20 per month raising the monthly amount to \$205 on July 1st. The bill also gradually increases the benefit to match the Temporary Cash Assistance (TCA) family of 1 benefit level (which is currently \$306 per month and generally increases by 1-2% each year) over the next 8 years.
- **HB1181 - State Personnel - Disabled Veterans - Interviews for Noncompetitive Appointment:** This bill authorizes, instead of requires, an appointing authority in the State Personnel Management System (SPMS) or an appointing authority in the Executive Branch that is not in SPMS to interview any disabled veteran who has expressed an interest to the appointing authority in applying for a specified position and who satisfies specified requirements.
- **Pilot Program – Rare and Expensive Case Management (REM):** The bill gives an individual the ability to retain certain medicaid funding for REM while having a job. This pilot program is being tested with three individuals, who must report to legislature their findings and then MGA will reassess the program.

There is a statutory requirement to increase the rates for the Developmental Disabilities Administration (DDA) and Behavioral Health Administration (BMA) by 3.5%. The Governor decided to only fund a 1% increase for each of those

departments. If the Governor wants to change a mandated fund, he can use the Budgeting Reconciliation and Financing Act (BRFA) to amend existing mandated spending levels. The Subcommittee was able to restore the 3.5% rate increase for DDA and BHA. The Subcommittee also set aside money for a 3% increase for Medicaid rates for Home and Community-Based Services. These funds are to be spent at the discretion of the Governor, and he still has the option to not use them and put them back in the general fund next year.

Delegate Reznik passed legislation that created a task force to study the existing rates for both HCBS and Home Health Care for Children and Adults with Medical Disabilities. The task force will review how rates are paid through Medicaid and how comparable and competitive they are to other states. The study will be completed in two years.

The DDA budget for fiscal year 2019 will increase by 6.3% - or \$73.7 million. The increase is largely due to the expansion of community-based services (\$41.4 million), a 1% provider rate increase (\$11.2 million), a projected increase in targeted case management (\$9.4 million), and the first full year of two new waiver programs (\$7.4 million). The budget allows the DDA waiver to have a 1.3% enrollment increase.

The Maryland Department of Disabilities (MDOD) in FY 2019 will have a 31% decrease in funding – or \$4 million - due to the Federal PROMISE grant being eliminated after five years. The PROMISE grant provided enhanced and coordinated services and supports to Maryland youth between the ages 14 to 16 who receive Supplemental Security Income (SSI) benefits.

The floor was opened to questions.

Asha Clark, Commissioner, about the impact of the cuts to MDOD. Delegate Reznik state MDOD is a very small department. The vast majority of funding for disability programs is from the Department of Health and Human Services and other larger agencies.

Neal asked how Commissioners can start to provide input for the upcoming budget for next year. Delegate Reznik said the best way is to get in touch with their representatives. Everyone is welcome to reach out to their State senators and delegates. Maryland has the largest delegation in the country with 24 house members and 8 senators. Delegate Reznik is District 39 which serves parts of unincorporated Gaithersburg, parts of Germantown, Montgomery Village, and parts of Clarksburg, and the Town of Washington Grove. To find out with legislative district you live in, please visit <http://mdelect.net/>. Delegate Reznik noted that due to this year being an election year, you will have to wait until after November to find out who the next Governor will be, although typically the new governor will take the vast majority of the budget from the previous governor. You can still reach out to the current governor on issues. Commissioners can also work through County Government, through the County Council and County Executive, and the County's Office of Intergovernmental Affairs. Montgomery County has lobbyists in Annapolis that are very knowledgeable and are able to assist you. Seth reminded Commissioners that when contacting their elected officials they can identify as a member of the Commission, but must specify that they are speaking as a private individual and not on behalf of the Commission.

Avner Shapiro, Commissioner, asked what steps the state is taking since the Federal Government is eliminating the individual mandate from the Affordable Care Act (ACA). He also asked how many people are going to lose insurance and of those people how many have disabilities. Delegate Reznik: the elimination of the individual mandate has been an overarching issue during the last session. During an election year, the State has decided to not make any decisions regarding health care and there was no individual mandate bill introduced this year. It is anticipated that people will drop off from the individual mandate, either by choice or forced to due to rising rates. Maryland's two providers – Carefirst and Kaiser – have already notified the state they will be increasing their rates by 30%. The state did pass a reinsurance program this year that subsidizes insurance companies for covering people with pre-existing companies. An individual still buys a plan on the health benefit exchange, but the State will cover the additional costs. The reinsurance plan is a temporary solution. The State is considering the individual mandate at the State level. They are also reviewing making it a requirement for health insurance companies that sell health insurance in Maryland to be on the health benefit exchange. Maryland currently has 8 or 9 health insurance companies that sell in Maryland. Last year MGA created an ACA Work Group. Delegate Reznik is a member of this workgroup. The workgroup will begin meeting again in July and discussing options. Delegate Reznik had proposed a single payer, universal health

care plan that would be implemented at the State level, is cost-effective, and is open and transparent. While the bill was passed, Delegate Reznik said that it was well-received by many of his colleagues who said that it could work. He will be pushing it again during the next session.

Delegate Reznik can be contacted via phone at 301-858-3039 (V) or e-mail at kirill.reznik@house.state.md.us.

Chair and Vice-Chair Report:

Seth reported an update to Expedited Bill 13-18, Taxicabs - Transportation Services Improvement Fund – Use of Fund. The County Council held a public hearing on the bill on April 24th. Seth as well as representatives from the Commission on Aging and other groups testified against it. The County Council is using the bill as an opportunity to rewrite the requirements for the Transportation Services Improvement Fund (TSIF) that the fund only be used for accessible vehicles. Currently, the language states that the funds be used for “provide for disbursements from the Fund to be used to improve the delivery of accessible taxicab services and transportation to eligible senior citizens and persons of limited income”. Due to this broad language, the County has been using TSIF funds for transportation issues that have not been specifically for accessible vehicles. Seth will be working with the County Council as new language is drafted.

Seth, Trish Gallalee, Vice-Chair, and Betsy Luecking, Staff, attended the Design for Life Showcase this past Saturday, May 5th held in Silver Spring. They hosted a table and provided information about the Commission. The event featured building professionals who design and renovate accessible homes for all ages and stages of life.

Seth reported he will be attending an Affordable Housing Conference this Friday, May 11th at the Bethesda Marriott.

Seth reported that the Steering Committee will meet on Wednesday, May 16th from 5:30pm to 7:00pm at the Health & Human Services Building, 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville.

Ex-Officio and Member Updates:

Nancy Greene, ADA Title II Compliance Manager, Department of General Services (DGS), reported the EOB Lobby Level restroom renovation is completed and are fully accessible. The EOB terrace level restrooms will be renovated later this year. Nancy is seeking a few Commissioners to provide guidance and input regarding accessible parking spaces in County parking garages. While County parking garages do have the required number of accessible spaces, some garages require more due to need. These additional spaces may not meet all the ADA requirements in terms of slope, width, path of travel, accessible entrance, etc. Nancy would like a Commission workgroup to provide a recommendation that the County could use when determining which parking spaces to use to increase accessible parking. Interested Commissioners can contact Nancy directly or discuss with her after the meeting.

Denise Isreal, Department of Transportation (DOT), reported DOT is currently promoting three programs for seniors and people with disabilities to increase public awareness. Programs are: Call-n-Ride - subsidized taxi trips for low-income persons with disabilities age 18 to 64 and adults 65 and older; Connect-A-Ride – a free transportation information and referral service for adults 50 and older; and Ride On’s free and reduced fares. Adults 65+ and people with disabilities (not MetroAccess eligible) can ride Ride On free Monday through Friday, 9:30 a.m. to 3:00 p.m. and Saturday 8:30 a.m. to 4:00 p.m. Fares are half-price at all other times. DOT has placed advertisements on 60 Ride On bus exteriors, 200 bus interiors, and 70 bus shelters. Informational flyers have also been disseminated to recreation centers, libraries, senior residential facilities, County facilities, and events.

Charlie Butler, Department of Recreation, shared the [Recreation and Parks 2018 Summer Program Guide](#).

Announcements:

Neal announced he will be starting a Google group for the Commission’s Legislative Workgroup. Individuals interested in joining the workgroup can contact Neal or Betsy. The workgroup will be discussing legislative issues at the federal, state and local levels.

Francie Gilman, former Commissioner, reported Independence Now is hosting a Wheelchair Wash fundraiser event for their Youth Services on Friday, June 8th from 11:30 a.m. to 1 p.m. and from 5 p.m. to 7 p.m. in the parking lot at 12301

Old Columbia Pike, Silver Spring. For more information or to volunteer, please contact Shannon Minnick at 240-638-0070, e-mail sminnick@innow.org.

Betsy announced Nancy Greene and Dennis Pillsbury, Architect, ADA Title II Compliance, DGS, will be giving a presentation on the ADA at the Commission's June meeting. As Nancy will be retiring at the end of June from the County, the Commission will also celebrate her years of service to this community.

Next Full Commission Meeting: Wednesday, June 13th, 2018 – **PLEASE NOTE LOCATION** - Health & Human Services, 401 Hungerford Drive, Conference Rooms 1A/1B, Rockville, MD 20850

Steering Committee Meeting: CANCELED - Wednesday, June 20th, 2018 – 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