



**IDD Commission  
SPECIAL MEETING**

**Tuesday February 27th, 2024**

**Virtual via Zoom Link:**

<https://us06web.zoom.us/j/83887697863?pwd=eZMWun2xoroarbayuBQk0mykjWObu.1>

**Phone Call-In: +13017158592,,83887697863# US**

**Meeting ID: 838 8769 7863**

**Passcode: 887124**

**Agenda**

**Reference Materials**

**Draft Letter**

**Presentation on Issue**



Attendance by Zoom or Dial In are both fine.  
We need a quorum to vote and move this forward.

6:30 pm	Chair	Quorum Determination Call to Order Reason for Meeting
6:35 pm	Chair	VOTE on Distributed Letter To Be Submitted Urgently to Secretary of Health, Deputy Secretary of the DDA, Deputy Secretary Medicaid
6:45 pm	Chair	Adjournment

**Meeting Accessibility Notice: Sign language interpreter services and other auxiliary aids or services will be provided upon request with as much advance notice as possible, preferably at least three (3) full business days before the meeting/event. To request any other reasonable accommodation or to advise us of any dietary considerations (for in-person meetings), please send a request to [Ahmna.Khan@montgomerycountymd.gov](mailto:Ahmna.Khan@montgomerycountymd.gov). Taking these steps will help us have sufficient time to best meet your needs.**

**February 27, 2024**

Laura Herrera Scott, MD  
Secretary of Health  
Office of Secretary  
Herbert R. O'Connor State Office Building  
201 West Preston Street, Baltimore MD 21201

Dear Dr. Laura Herrera Scott

I am writing on behalf of the Montgomery County **Intellectual and Developmental Disabilities Commission** to highlight systemic issues we have identified in the Maryland Department of Health's Eligibility Redetermination Process and offer recommendations to address them. These issues require immediate action as they are significantly impacting individuals with intellectual and/or developmental disabilities in Montgomery County and across Maryland, particularly their access to uninterrupted essential services including but not limited to routine and emergency medical care, including prescription drugs, long term services and supports, and transportation.

We believe that collaborative efforts between the Intellectual Developmental Disabilities Commission, the Medicaid Eligibility Determination Division, the Developmental Disabilities Administration, and the Coordinators of Community Services are essential to expedite immediate actions to resolve these issues and improve outcomes for Marylanders with disabilities. Outlined below are recommended immediate next steps that we believe will help mitigate the risks to Home and Community Based Services and medical assistance eligibility challenges faced by individuals with disabilities in accessing necessary services:

1. Provide DDA-certified Provider Agencies with a List of Redetermination Dates:
  - Furnish agencies with a comprehensive list of redetermination dates for all individuals supported. Medicaid eligibility dates showing in *LTSSMaryland* are not consistently accurate and cannot be relied upon by provider agencies willing to facilitate the redetermination process. This listing of current and verified redetermination dates will facilitate accurate information and enable providers to collaborate with Coordinators of Community Services (CCS) agencies on the submission of redetermination packets, thereby reducing waiver ineligibility and the risk of individuals losing healthcare and long-term services and supports.
2. Pause the Redetermination Process:
  - Temporarily pause the redetermination process until such time as current challenges to the system are resolved. This will ensure that all individuals remain eligible for healthcare and long-term services and supports until a comprehensive resolution is determined.
3. Extend Appeals Process Timeline:
  - Extend the appeals process timeline from 10 days to 60 days to accommodate people with IDD, their provider agencies and family members who may not receive timely notification of redeterminations. This extension will enable them to submit appeals within a reasonable timeframe, and, critically, will allow the Medicaid Eligibility Determination Division to catch up processing a growing number of redetermination

submissions, thereby increasing the likelihood of maintaining the individual's waiver eligibility without service interruption.

4. Continue Retroactive Payment Position:
  - Maintain the retroactive payment position to demonstrate a commitment to providers by ensuring reimbursement for services rendered. This will encourage providers to continue delivering services and support to individuals, ensuring uninterrupted access to necessary resources.

In addition to these immediate actions, we propose the following future action steps:

1. Ensure Accuracy of *LTSSMaryland* Information:
  - Verify the accuracy of redetermination information in *LTSSMaryland* to prevent inaccuracies and discrepancies.
  - Provide agencies with the ability to access the redetermination applications in *LTSSMaryland*. This enhancement will allow providers to collaborate with CCS agencies in accurately submitting documentation and/or facilitate the retrieval of information from family members or caregivers.
2. Establish a Process for Updating Authorized Representatives:
  - Implement a process within CCS agencies to update the authorized representative when there are changes in staff within CCS agencies.
3. Build Capacity Within EDD for Timely Processing:
  - Enhance capacity within MDH's Eligibility Determination Department to ensure timely processing of redetermination packets.

In the immediate term, we believe these steps are essential to assuring no interruption or losses of services for Marylanders with intellectual and/or developmental disabilities. We further believe that by implementing these proposed next steps and fostering collaboration between agencies and stakeholders, we can address the systemic issues in the Eligibility Redetermination Process and improve outcomes for individuals with disabilities in Maryland.

Thank you for your attention to this matter, and we look forward to your response and to working together towards positive change.

Sincerely,

Michael D. Greenberg, MD  
Chair  
Montgomery County Commission  
Intellectual & Developmental Disabilities

CC: Marlana R. Hutchinson, Deputy Secretary DDA  
Ryan Moran, Deputy Secretary Health Care Financing & Medicaid Director

## Background information:

People who receive direct support services from DDA are typically enrolled in one of three, federal Home and Community Based, Medicaid waiver programs that are administered by Department. Waiver services are delivered by licensed community provider's and authorized individual's. The State receives matching dollars from the federal government for the waiver services. The waiver's that DDA administers are the Community Pathways, Community Supports and Family Supports. In order to be enrolled in a waiver, a person must meet a number requirements; technical, medical and financial to qualify for Medicaid, MA aka Medical Assistance. For most people receiving DDA services, obtaining and maintaining Medicaid eligibility has historically been pretty straight forward...if the person receives Supplemental Security Income and does not receive Social Security Disability Income or retirement income from a parent, they are what is called, 'categorically eligible' for Medicaid. Prior to the pandemic, the process for redetermining a person's annual eligibility for their waiver services was pretty simple for these DDA participants and hopefully it still is. There is a dwindling number of people across the State who receive services and are not enrolled in a waiver. The term that is used to describe these folks situation is referred to as 'State-Only' funded...no federal matching dollars are received to help pay for the services.

## Current issues with Medicaid:

According to DDA, as of November 2023 approximately 4,000 people needed to submit a Medicaid Redetermination application. Some of those people were at risk of losing their Medicaid eligibility because of a, 'procedural reason'...anyone who's redetermination application was not processed by the State. This could be because the person moved & didn't inform the Maryland Department of Health (MDH) or The Eligibility and Determination Divion, (EDD) thus they didn't receive a Redetermination letter requiring the annual application, or they ignored the letter that they received & didn't send their application or their application was not acknowledged by the

State otherwise. In guidance that DDA issued back in November, people should only send their redetermination application in to the State if they received a letter from MDH or EDD. So, if a person sent in their application having not been prompted to do so, the State likely did not process the application. We have heard from some participant's representatives that they received a letter and sent in an application, but their Medicaid has terminated none the less. The reason could be because of missing documentation or being over income or assets or was not processed, ie lost. In all cases when a person has received notification of Medicaid termination, the guidance from the State is to file an appeal of the decision as soon as possible after learning of the Medicaid termination. This will ensure there is no disruption to services that are paid for by Medicaid.

The Worry:

DDA will terminate services if a person is not eligible for Medicaid, ie Waiver services. To date, in our experience at the MCDHHS CCS program, DDA has not terminated services for anyone. This goes for people who have historically received State-only funding and those who have recently lost Medicaid eligibility and were disenrolled from the waiver.

Strategies to avert worry:

Communication is essential!

1. DDA needs to ensure that the people who are risk, know.
2. Coordinators of Community Services, traditional Provider Agency fiscal staff who are Representative Payees and participant's representatives need to know if a person needs to complete a Medicaid Redetermination application.
3. MDH and EDD need to be informed by Representative Payees if a person has moved since the last application was submitted to the State.

The resources that I relied upon to discuss this subject and for your information are;

- The DDA Connection, Federal Program Updates;  
<https://myemail.constantcontact.com/The-DDA-Connection-11-16-23-.html?soid=1117796634703&aid=VMw7cYqCdHU>
- The Maryland Medicaid Administration, participant check-in;  
<https://health.maryland.gov/mmcp/Pages/MedicaidCheckIn-Participants.aspx>
- <https://www.marylandmatters.org/2023/05/15/health-officials-urging-marylanders-to-ensure-they-dont-lose-medicaid-coverage/>