



COMMISSION ON AGING

March 3, 2020

The Honorable Shane Pendergrass, Chair
Health and Government Operations Committee
House Office Building, Room 241
Annapolis, Maryland 21401

Re: HB1163–Home and Community–Based Waiver Services–Alterations and Task Force

Dear Delegate Pendergrass:

I am writing on behalf of the Montgomery County Commission on Aging to express our support for HB 1163, which will allow for more home and community-based long-term services and supports for people with disabilities, including older adults, and will create a task force to recommend how best to provide long-term services and supports in the home and community.

The Commission on Aging was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. We are very concerned that in Montgomery County, as in all of Maryland, vulnerable older adult Medicaid recipients are being forced to choose between remaining in their communities or moving to an institution, in order to receive the services and supports for which they qualify.

This situation exists because the State of Maryland places a limit on the number of individuals with disabilities to whom it provides home and community based long-term services and supports through Medicaid Home and Community Based Waiver Services. If these individuals want to continue living in their homes and communities, they are forced to join a waiting list with 22,000 other Marylanders and wait for up to eight years to receive services at home or in assisted living. Their only other option for receiving these services is to enter a nursing home.

Ironically, the per person cost to the State of housing people in a nursing home is higher than providing them the needed services in a home and community-based setting.

This lose/lose situation is unacceptable.

In 1999, in its landmark decision, *Olmstead v. L.C.*, the United States Supreme Court ruled that states are required to provide community-based services for people with disabilities who would otherwise be entitled to institutional services when: (a) such placement is appropriate; (b) the affected person does not oppose such treatment; and (c) the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of other individuals with disabilities.

House Bill 1163 will require the Maryland Department of Health to raise the current cap to allow 7,500 individuals to participate in the HCBS Waiver. It will also require MDH to notify persons of their eligibility in a timely manner and to provide services within thirty days of a determination of eligibility.

Equally important, this law will establish a task force to study and determine the most cost-effective plan to alleviate this problem.

For these reasons, the Montgomery County Commission on Aging strongly supports HB 1163.

Thank you for your consideration.

Sincerely,

Jean Dinwiddie, Chair

cc: Delegate Bonnie Cullison
Montgomery County Delegation