



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

2023 LEGISLATIVE OVERVIEW

April 2023



This overview highlights some of the budgets and key pieces of legislation from the 2023 legislative session. It focuses on the issues that were important to people with developmental disabilities and their families.

The 2023 session of the Maryland General Assembly ended April 10, 2023. For the most part, everything went back to in-person: the Senate and House held most meetings and hearings in Annapolis, but allowed virtual testimony and subcommittees met virtually. The Senate and House each issued rules they would follow during the legislative session. To make sure everyone understood the rules, the Council partnered with leadership in the House to create plain language and easy read versions.

The Council worked with people with developmental disabilities, their families, other organizations, state agencies, and legislators to bring about change to make it possible for people with developmental disabilities to live the lives they want with the support they need.

This year we also created change for the Council itself! HB 504/SB 168 passed and on July 1, the Council will be an independent unit of state government. In 1971, the Governor created the Council by executive order. The executive order changed a few times since then and put us within the Maryland Department of Disabilities. The federal law that guides our work changed a few times too. HB 504/SB 168 updated the old executive order, made sure the language matched the federal law, and put our ability to work independently in state law. It did not change the way we work – we will continue to advocate, empower people with developmental disabilities and families, and advise leaders in state government to make Maryland a state where people with and without disabilities live, learn, work, and play together.

NEW TO ANNAPOLIS THIS YEAR

There are many new leaders in Annapolis this year. In the Maryland General Assembly, there were 54 newly elected officials in the House and Senate. The Council educated the new leaders about people with disabilities and their families as we advocated for change to improve lives.

There is also a new governor. Governor Wes Moore is the first Black governor of Maryland. There is also a new lieutenant governor. Lieutenant Governor Aruna Miller is the first South Asian woman to be a lieutenant governor in the United States and the first immigrant to hold a statewide office in Maryland.

New governors often create a transition team to develop a plan and make recommendations about how the new governor can achieve their goals. The Council's executive director, Rachel London, served on the transition team. She co-
-led the Unlocking Opportunity transition policy committee.

Both Governor Moore and Lt. Governor Miller spoke at DD Day on February 22, 2023. Several legislators spoke as well. The theme for DD Day was "Create Change. Unlock Opportunity. Improve Lives."

Keep reading to learn about how we did that during the 2023 legislative session.



DEVELOPMENTAL DISABILITIES ADMINISTRATION BUDGET
FISCAL YEAR 2024: JULY 1, 2023—JUNE 30, 2024

FUND	INCREASE IN FUNDING (NOTE: FIGURES ARE ROUNDED)	IMPACT (ESTIMATED)
DDA Community Services	\$117 million (General + Federal funds)	To provide a 12% rate increase for DDA community services.
Provider Rate Increase	\$20 million (General + Federal funds)	To fund provider rate increase for residential and meaningful day service providers transitioning to the Long Term Services Support (LTSS) system.
Transitioning Youth	\$11.4 million (General + Federal funds)	To provide community services and support to about 541 eligible youth who exit high school.
Emergencies	\$910,325 (General + Federal funds)	To provide community services and support to about 37 people in emergency situations.
Waiting List	\$10.1 million (General + Federal funds)	To provide community services and support for about 204 people on the waiting list with the most urgent needs.
Waiting List Equity Fund	\$1.5 million (General + Federal funds)	To provide community services and support to about 38 people on the waiting list with the oldest caregivers.
Low-Intensity Support Services	\$5.5 million (General funds)	To provide short-term, low-cost support to about 2,800 people with developmental disabilities and families.

Additional funds are included to continue providing services for people already receiving services. DDA's FY 2024 Community Services budget totals over \$1.8 billion.

DDA REPORTS REQUIRED

The Maryland Department of Health (MDH) must send the following reports to the budget committees:

- Every 3 months about the DDA's transition to the fee-for-service system and the new rates. The reports must include information about the timeline, cost, number of people served, and other information.
- One report about the state of people enrolled in the DDA waivers.
- One report with more detail about the DDA's transition to the Long Term Services and Supports (LTSS) system. This must include the number of people and providers to transition in FY 2024, the cost of increased rates, and how providers get paid. No one else can transition into LTSS until MDH submits that report on July 1, 2023.

MARYLAND STATE DEPARTMENT OF EDUCATION (MSDE) BUDGET

FISCAL YEAR 2024: JULY 1, 2023 - JUNE 30, 2024

The FY2024 budget includes the following funding, among other things that affects children with disabilities and their families.

- \$30.8 million for the Autism Waiver. The General Assembly also clarified that funding to end the wait for Autism Waiver services remains for future costs of getting children and adults into services. MSDE must apply to increase the waiver slots.
- \$15.8 million for the Maryland Infants and Toddlers Program - a \$1.2 million increase over FY 2023.
- \$250,000 for the special education ombudsman in the Office of the Attorney General. Created by the General Assembly in 2020, the ombudsman should provide information and support to families, students, and school staff about special education rights and services.





- \$170.7 million for public full-day prekindergarten as required by the Blueprint for Maryland’s Future.
- \$176 million in State and Federal funds for the Child Care Scholarship Program, which helps low-income families pay for child care.
- \$8 million for the Broadening Options and Opportunities for Students Today (BOOST) Program.

BOOST provides scholarships to students to attend private schools. Most private schools do not have to comply with the Individuals with Disabilities Education Act (IDEA). If a student with a disability enrolls, the private school does not have to provide the services and support he or she needs. However, the advisory board that awards scholarships must consider the needs of students with disabilities when it determines the amount of a scholarship award.

MSDE’s FY2024 budget totals over \$10 billion.



PRIORITY BILLS IN THE 2023 SESSION

Below is a summary of many of the important bills the Council worked on this year to advance our vision for Maryland - that people with and without disabilities live, learn, work, and play together.

LIVE



HB 9/SB 19 - Equity in Transportation Sector - Guidelines and Analyses requires the Maryland Department of Transportation (MDOT) to include equity in the development of State transportation plans and goals. It also requires MDOT to conduct transit equity analyses prior to the announcement or proposal of major service changes. **The bill passed.**

Access to transportation is one of the most critical issues for people with disabilities. This bill is important because it makes sure the state addresses some of the issues as they develop plans and change services.

HB 215/SB 450 - Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition prohibits landlords from using a lease with terms that limit a tenant's ability to call law enforcement or emergency services. A tenant, or someone else on the property, cannot be evicted if they call law enforcement or emergency services. This bill also prohibits local laws and ordinances, known as nuisance laws, that limit the number of calls to emergency services from the property or punish someone for making those calls. **The bill passed.**

The Council strongly supported this bill because people with disabilities have the right to live in the community independently. All people, including people with disabilities, should be able to live without fear of eviction for calling emergency services.





HB 354/SB 343 - Maryland Achieving a Better Life Experience (ABLE)

Program - Account Establishment - Procedures changes Maryland law to align with changes made to the Federal law. It clarifies and increases who can help someone set up an ABLE Account. It also allows Maryland to raise the age limit for when someone can set up an ABLE Account. ABLE Accounts help people with disabilities save money and pay for qualified disability-related expenses without losing the federal and state benefits they need, like SSI or Medicaid benefits. **The bill passed.**

HB 1176 - Public Safety - Voluntary 9-1-1 Registry requires counties to create a voluntary program to alert first responders of certain behaviors, diagnoses, or traits a person may present during encounters with first responders. Adults, parents or guardians of minor children, or guardians of adults can register for this program and provide information that helps first responders. This includes people with developmental disabilities. **The bill did not pass.**

Health

HB 290/SB 237 - Public Health - Dental Services - Access expands awareness of and access to dental services for children. This bill requires local boards of education and all childcare providers to give families information about dental screenings. This bill also requires the Maryland Department of Health (MDH) to create and distribute dental care information in plain language. **The bill passed.**

The Council and the DD Coalition submitted a letter of information to educate legislators about the potential unintended consequences for people with disabilities. The original version of the bill required all children to get routine dental screenings each year. Not all children with disabilities can do that.

HB 726/SB 231 - Maryland Medical Assistance Program - Autism Waiver - Military Families

allows children of military families to remain on the Autism Waiver registry while the family is out of the state for military service. It also requires children that become eligible for Autism Waiver services while the family is out of the state for military services to remain eligible when they get back. **The bill passed.**



HB 1148/SB 582 - Behavioral Health Care - Treatment and Access (Behavioral Health Model for Maryland)

focuses on access to behavioral health care with the goal of expanding and improving treatment and access. It establishes the Commission on Behavioral Health Care Treatment and Access to make recommendations on appropriate, accessible, and comprehensive behavioral health services in Maryland. Members of the Commission include someone from the DD Coalition, the Department of Disabilities, a person with intellectual disability who uses behavioral health services, among a long list of other people. **The bill passed.**

The Council worked with the DD Coalition and other stakeholders to address the needs of people with developmental disabilities who also have behavioral health needs. We successfully advocated to make sure the bill included specific language to address the barriers people with developmental disabilities and their families face and support them to get the services and supports they need. The Commission now has to look at and make recommendations to provide behavioral health services to people with developmental disabilities.





HB 1149/SB 622 - Medicaid Waiver Programs - Waitlist and Registry Reduction (End the Wait Act) clarifies that the \$30 million set aside last year to reduce the wait for Autism Waiver services must be used to reduce the waitlists for all Medicaid waivers. \$10 million is just for the Autism Waiver. The bill also allows some of the money to be used to

expand provider capacity, including hiring and retaining staff and providers, increasing provider rates, and addressing other issues that limit provider capacity.

The bill passed.

The Council strongly supported HB 1149/SB 622 because waiver programs help people with disabilities live the lives they want with the support they need.

Thousands of Marylanders are waiting for services. This will help address that.

HB 456/SB 940 - State Board of Pharmacy - Accessible Prescription Labels, Bag Tags, and Medical Guides for Blind, Visually Impaired, and Print Disabled Individuals - Regulations requires the State Board of Pharmacy (the Board) to make regulations (rules) about access for people who are blind, low-vision, or print disabled to prescription labels and other information about the medicine they need. It also requires the Board to give people who are blind or have low-vision the opportunity to comment on the regulations. **The bill passed.**

Voting

Voting is a fundamental right. People with disabilities want and need access to the voting process. The Council opposed two bills that would have made voting harder for people with disabilities.



SB 567/HB 35 - Elections - In-Person Voting - Proof of Identity

HB 1216/SB 750 - Election Law - Voting - Proof of Identity

None of them passed.

The Council supported two bills that would have made voting easier for people with disabilities.

HB 41 - Election Law - Curbside Voting – Establishment would establish requirements for curbside voting and require that curbside voting be available to all registered voters with disabilities. **The bill did not pass.**

HB 95 - Election Judges - Training and Signs - Accommodations for Voters in Need of Assistance would have made voting in-person easier and more accessible for people with disabilities. It required election judges to provide help and information to voters with disabilities. **The bill did not pass.**



LEARN

HB 294/SB 926 – County Boards of Education – Due Process Proceedings for Children with Disabilities Burden of Proof Requires school systems to bear the burden of proof in special education due process hearings – no matter who asks for a hearing - except unilateral placement cases. Currently, if a family thinks the school system did not provide a free, appropriate public education (FAPE) required by law, they can file for a due process hearing. If the family asks for a hearing, the family must prove that the school system did not provide a free, appropriate public education. **The bill did not pass.**

The Council worked closely with the Education Advocacy Coalition, legislators, and other stakeholders because changing the burden makes sense. School systems have access to more resources, information, and experts. They are in a better position to provide a free, appropriate public education. There should not be any exceptions. A Sponsor amendment makes sure the burden of proof is on the school systems for all cases.

HB 320 – Maryland Longitudinal Data System – Definition of Student Data – Alteration adds specific disability data about a student to the definition of student data for the Maryland Longitudinal Data System (MDLS). With this added, it requires the MDLS Center to collect data about each student’s disability. This helps increase information about students with disabilities to be used to improve educational outcomes. **The bill passed.**



HB 770/SB 913 – Blueprint for Maryland’s Future – Publicly Funded Prekindergarten, Maryland Consortium on Coordinated Supports, and Career Ladder – Alterations would have defined a “Tier 1 Child” in the Blueprint for Maryland’s Future to include children with disabilities, homeless youth, and English language learners. That means children with disabilities and other groups would have had priority access to public prekindergarten. The bill changed after the hearing to include children with disabilities in the definition of a “Tier 2 Child.” State and Federal law requires eligible children with disabilities get special education services in prekindergarten. The Blueprint already expanded prekindergarten for children with disabilities, regardless of income. This makes sure the local school systems get the funding needed to educate those children in public prekindergarten programs. **The bill passed.**



HB 1237: Special Education – Judicial Action – Attorney’s Fees and Related Costs allow parents to recover (get) expert witness costs if they prevail (win) a special education due process hearing or court case. Many parents cannot afford to hire an expert to help. Because of this, families may not file a case even when their child’s rights have been violated. If they do file a case, they may not be able to bring experts to help them at the hearing. **The bill passed.**

The Council worked closely with the Education Advocacy Coalition, Disability Rights Maryland, legislators, and other stakeholders because the possibility of recovering these expenses makes sense.



WORK AND PLAY

Employment and Paid Leave

HB 546/SB 551 – Serving Every Region Through Vocational Exploration Act of 2023 creates a new community service program in Maryland. The Maryland Corps Program allows people, after high school, to get work experience while serving the community. The new Maryland Department of Service and Civic Innovation will oversee the new program. **The bill passed.**

The Council worked with the DD Coalition and the Administration to make sure all students, including those that leave school with a certificate and not a diploma, can participate with the accommodations they need. People with disabilities will benefit from this Program. It gives youth and young adults with and without disabilities the opportunity to provide services to organizations that support people with disabilities, and gives youth and young adults with disabilities the opportunity to serve others.

HB 549/SB 555 – Fair Wage Act of 2023 raises the minimum wage to \$15 an hour on January 1, 2024 for all employers. **The bill passed.**

The Council worked with the DD Coalition and the Administration to make sure DD providers received funding aligned with the increase. The Governor put the money in the DDA budget to reflect the faster increase to minimum wage. The original draft of the bill included future increases to minimum wage tied to the increase in inflation. We originally advocated for an amendment to make sure funding for providers increased too. The bill passed without any increase after \$15 so we supported the amended bill because an increase in minimum wage benefits all workers, including people with disabilities.

HB 988/SB 828 – Family and Medical Leave Insurance Program – Modifications makes changes to the law that passed last year and allows for successful implementation of the family and medical leave insurance program. The Program allows workers to take up to 12 weeks of paid leave to care for themselves or a family member. It requires workers and employers to each pay 50% of the cost of the Program. It also provides protection for an employee’s job and covers nearly all Maryland workers. It also requires the Maryland Department of Health to give DD providers the money to cover the employer portion of the costs. **The bill passed.**

The Council worked with a coalition of stakeholders to support last year’s bill because access to paid family and medical leave is an important part of the range of supports people with disabilities and their families need. We worked with them again this year to make sure Maryland ensures equity and access as it carries out plans for the Program. We also worked with the DD Coalition to make sure the bill included funding for DD providers.

Division of Rehabilitation Services (DORS)



HB 870 – Division of Rehabilitation Services and Developmental Disabilities Administration – Memorandum of Understanding requires the Developmental Disabilities Administration (DDA) to enter into a MOU with the Division of Rehabilitation Services (DORS) to share data about the “medical and psychological records” both agencies support. Sharing this information can help speed up the eligibility process for DORS services. This is important because DORS is a resource once a person is ready to work and a person can add DORS funding to DDA funding for more employment supports.

The bill passed.

HB 1222/SB 934 – State Department of Education – Division of Rehabilitation Services – Funding and Staffing would have required the Governor to include money in the budget for the state match amount for the federal funding DORS gets. It would have also required the Governor to include money in the budget for more staff in the DORS to help reduce the waitlist for services and the number of cases the counselors currently have. **The bill did not pass.**

BY THE NUMBERS



444th Session of the Maryland General Assembly



47 Senators

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141 Delegates

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979 Senate Bills



1,305 House Bills



80 Priority Bills



61 Monitored Bills



141 Bills tracked by the Council



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217 East Redwood Street, Suite 1300
Baltimore, MD 21202

410-767-3670 | 800-305-6441

www.md-council.org | info@md-council.org

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