

# 2023 Legislative Wrap Up



***The Arc***<sup>®</sup>  
*Maryland*



# Legislative Wrap Up 2023



The Maryland General Assembly completed its work for the 2023 Legislative Session and adjourned on April 10, 2023 at midnight.

This was a session of MANY new faces, with over 50 new members of the Maryland Senate and House of Delegates a new Governor, and many new members of Administration.

As we headed into the session, we expected to see a robust budget, utilizing federal and state funds, and some capitalization on our state surplus. We also expected to see bills on gun control, cannabis- in response to the voters' referendum to legalize recreational marijuana in Maryland- clean energy, abortion, medical aid in dying, and mental and behavioral health, topping the list of priorities for this 445<sup>th</sup> legislative session.

After 90 days of hard work and debate, here are some of the notable outcomes:

Legislators passed bills aimed at gun carrying and access. SB0001 was in response to the U.S. Supreme Court's decision and standard on "good and substantial reason" for permits to carry concealed handguns. The bill identified locations where "wearing, carrying, or transporting firearms" will be prohibited to protect children and vulnerable individuals. Another gun access measure defined how private property owners may control whether firearms can be brought onto their private property.

On abortion, the general assembly approved a constitutional amendment that will go on the ballot next year. The voters will decide whether to petition the Maryland Government to enshrine the right to abortion in the Maryland Constitution. Further, the General Assembly passed bills that would provide civil and criminal claim protections to patients and healthcare providers that may stem from other states with abortion bans or restrictions.

On cannabis legalization and rule making, the legislators passed bills to identify licensing fees, tax rates, and revenue streams for the opening of recreational marijuana commerce in response to the voter-approved constitutional amendment this past November. The marijuana tax will be 9% and adults 21 and over (to align with cigarette and alcohol legal age purchasing limits) will be able to possess up to 1.5 ounces of cannabis and two marijuana plants.

In response to years of investigations, previous legislative session efforts, and a recently released report on clergy abuse, the Maryland General Assembly passed a bill this session to remove the state's statute of limitations for when civil lawsuits can be filed against institutions related to child sexual abuse.

Bills were also passed to expand Medicaid to cover procedures relating to gender-affirming care and expand access to behavioral health and healthcare for children. Coverage of telehealth, made available during the pandemic, will be extended to June 30, 2025 for certain services through Medicaid, and some private insurers.

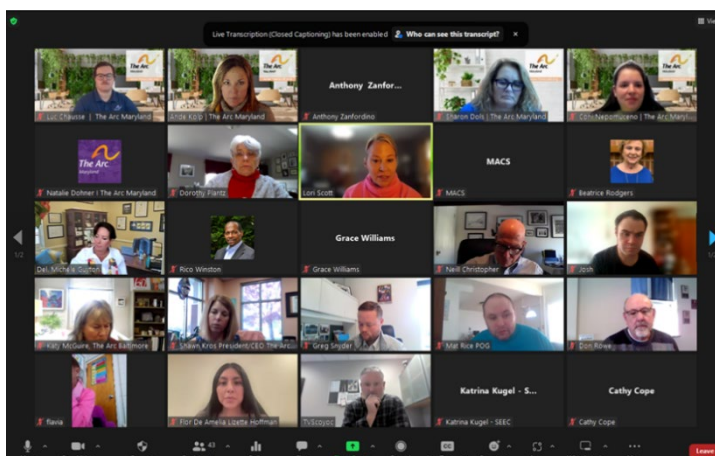
The minimum wage, which is currently \$13.25 per hour, will be increased to \$15 per hour under the Fair Wages Act, which passed with significant support. This increase will take effect on January 1, 2024. Additionally, the Family and Medical Leave Insurance law was amended to clean up definitions for the employer/employee premium shares, and how a person may access this leave insurance program (see details in the report on the next few pages).



Each of Governor Moore's 10 policy proposals were passed this session, either in presented or amended form, including the Minimum Wage escalation bill and the SERVE Act: creating a paid service year option for young people (read more on this below)!

The Arc Maryland Governmental Affairs Committee was very active this session, with over 40 members regularly attending our weekly meetings to discuss bill positions and progress,

share information on legislative activity, organize advocacy efforts, and stay up-to-date; all key components for information sharing and successful activation our expansive grass roots network. In relative terms, the session was not as intense as other years have been: the draft DDA and MSDE budgets, as presented by the Governor, were favorable for meeting our needs going into 2024, and there were some good bills this session: bills aimed at improving healthcare and educational access, improving workforce, and sustaining non-profit operations. While some of our priority measures did not pass, we deeply appreciate the advocacy of our community and note that it made the difference in passage of several bills that will benefit individuals with IDD and their families.



## Budget Highlights

The legislature passed Maryland's \$62.5 billion budget for Fiscal Year (FY) 2024. They set aside \$900 million to help cover future year costs related to the Blueprint for Maryland's Future- an education system reform bill that passed a few years ago which has a multi-year implementation path. As part of the FY2024 budget, there is \$8.7 billion allocated for pre-K through 12<sup>th</sup> grade education.

### Developmental Disabilities Administration (DDA) FY24 Budget

We are grateful to the Governor and to the Maryland General Assembly for DDA's Community Services Budget, which totals over \$1.8 billion dollars. The FY 2024 budget includes \$117 million to cover costs associated with a mandated 4% provider increase (per the Minimum Wage Act of 2019) in addition to an increase of 8% funding, effective January 2024, that will allow Community Providers to keep pace with increases to the state minimum wage that will go into effect at the same time.

The DDA budget includes \$20 million for the implementation of new rates identified as appropriate to ensure quality services through the rate setting process and to support the transition of Providers into the LTSS billing system.

The DDA budget also includes:

Funding for 541 Transitioning Youth who will complete their secondary education at the age of 21 or 22 and transition into adult supports - \$6.3m General Funds / \$11.4 Total Funds.

Funding for approximately 204 people on the DDA Waiting Lists who are in a crisis categories, and 28 people with the oldest caregivers who are in need of immediate supports - \$5.1m General Funds / \$10.1m Total Funds *and* \$0.7m Special Funds / \$1.5m Total funds.

Funding for approximately 37 people experiencing emergencies and need services immediately - \$0.5m General Funds / \$0.9m Total Funds.

We want to thank our fellow members of the Developmental Disabilities Coalition for the coordinated advocacy used to ensure budget committee members were aware of our needs and safeguarded this funding through the budget review process.

### Maryland State Department of Education (MSDE) FY24 Budget

The MSDE budget for FY2024 includes funding to support the implementation of the Blueprint for Maryland's Future, and specifically includes the following allocations that will benefit students with IDD and their families:



There is \$250,000 in the budget to create the Special Education Ombudsman office and support staff. This is a position that was created in the 2020 legislative session but unfunded to date. The role of the Ombudsman will be to provide information and referral support to families as well as support to schools and personnel for IDEA compliance and quality enhancement.

Through the “End the Wait Now Act” revisions and clarifications for the use of the designated fund, combined with a budget appropriation for autism waiver expansion, there is close to \$31 million in the budget for the Autism Waiver for additional slots.

There is funding in the budget for public full-day prekindergarten as required by the Blueprint for Maryland's Future to fix a gap in implementation identified last year. Children will be prioritized based on a tiered system for eligibility.

The Child Care Scholarship Program received funding in the amount of \$176 million (state and federal combined funds) that will be help improve access to childcare for more Maryland families.

Additionally, there is additional funding for the Broadening Options and Opportunities for Students Today (BOOST) Program, which provides scholarships to students/families to use to attend private school. It is notable that many private schools do not have to comply with the Individuals with Disabilities Education Act (IDEA), which includes ensuring a student's individualized education program is supported. This said, the advisory board is mandated to consider the needs of students with disabilities when it determines the amount of scholarship to award, and can make adjustments based on its assessment of a school and a student's educational needs related to a disability.

## Legislative Calendar Day



One of our biggest annual advocacy events, **Legislative Calendar Day**, was held on the second day of the legislative session: a tradition of The Arc Maryland! A group of close to 100 advocates descended upon Annapolis to hand out coffee and deliver calendars to grateful recipients. Chapter members of The Arc held meetings with their delegations throughout the week to share our legislative priorities, challenges, and successes. Together, we worked to move the dial ever forward in our mission to create a world where children and adults with IDD have and enjoy equal rights and opportunities!

In conjunction with Legislative Calendar Day, The Arc Maryland hosted an **Annual Legislative Training** to keep advocates at the top of their game. Through the training, participants brushed up on their advocacy skills, learned what to expect from the 2023 Legislative Session, discussed priority legislation of The Arc, and received tips on how to best communicate with the legislative body.



## DD Day at the Legislature



On February 22nd, people with IDD, their families, Direct Support Professionals, provider organization representatives, and legislators celebrated Developmental Disabilities Day at the Legislature! The annual event was once again hosted by the members of the Maryland Developmental Disabilities Coalition to gather over 550 advocates in person and 1300 people online to learn about legislative priorities and hear from our champions in the Maryland Legislature. Advocates heard from

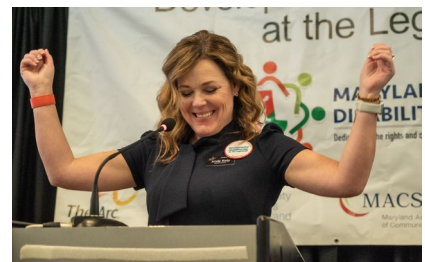
Governor Wes Moore and Lt. Governor Aruna Miller, members of our Senate and House leadership, the Maryland Department of Disabilities, the Maryland Department of Health, the Developmental Disabilities Administration, and the Maryland State Department of Education.



During the event, we celebrated the honorees of the **Together We're Better** Inclusive Schools Art Contest. Students, their parents, and representatives from their schools were honored for their

works of art with certificates and cash awards for their schools.

The fact sheets for DD Day were available to attendees in plain language and alternative formats to include large print and translations in Spanish.





# World Down Syndrome Day

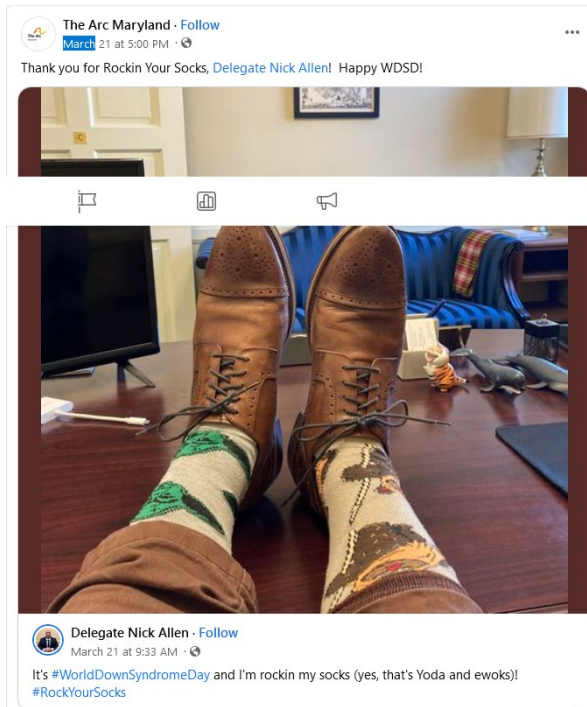


The Arc Maryland with our WDSO Coalition partners and several members of the Maryland General Assembly gathered for a sold out World Down Syndrome Day (WDSO) Celebration and Dance party on March 21st. Advocates with Down syndrome and their family members shared their stories of joy and success living and working with Down syndrome.

Carol Beatty, Secretary of the Department of Disabilities, presented a proclamation from the Governor during the event and legislators also attended to support people with Down syndrome and their families and present citations in honor of the day.



In the week leading up to the event, advocates stopped by their representatives' offices to deliver fact sheets about Down syndrome and invite legislators to wear colorful, mismatched socks on the 21<sup>st</sup>; a World Down Syndrome Day tradition!



# Legislation

## The Arc Maryland tracked several bills throughout the 2023 Legislative Session.

In this section, you will find some of the priority pieces of legislation that The Arc Maryland Governmental Affairs Committee were involved with, and/or designated for targeted education and advocacy. Included are bills that passed, priority bills that did not pass, and bills we opposed that did not pass. Included in each bill update is the position we took and its outcome during session. Please note that, in many cases, the Governor has not yet taken action to sign or veto bills. By law, the Governor has up to 30 days after the bill presentation to take any action he intends on the legislation. Bills passed by the General Assembly that are not signed or vetoed by the Governor will automatically become law upon the expiration of this timeline.

## Tracked Legislation That Passed

### Budget Bill (Fiscal Year 2024) and Budget Reconciliation and Financing Act HB0200 and HB0202 | Support

The legislature passed a \$62.5 billion budget for the next fiscal year. The state will reserve approximately \$2.85 billion, including close to \$2.5 billion for the rainy day fund and a balance of \$351 million in the general fund. Budget highlights for the Developmental Disabilities Administration Community Services budget and MSDE budgets are detailed above. In addition, the budget committees including the following reporting requirements for release of budgeted funding as follows:

#### ***M00M01.01 Program Direction***

***\$100,000 of this appropriation made for the purpose of administrative expenses may not be expended until the Maryland Department of Health submits a report to the budget Committees on the **status of the people served by the Developmental Disabilities Administration's (DDA) Community Services program who were enrolled in a DDA Medicaid waiver program.*****

*The report should include:*

- (1) the number of individuals served in the Community Services program;*
- (2) the number of those enrolled in the DDA waiver program separately by waiver;*
- (3) the percent of individuals served through DDA waivers;*
- (4) the cost per individual per DDA waiver program;*
- (5) a comparison of the fiscal 2024 Managing for Results data as submitted with the budget and any revised data showing changes to the total number of individuals served and the numbers enrolled in waivers, including explanations for the difference; and*



(6) a discussion of how the data is expected to be submitted going forward to ensure an accurate count.

The report shall be submitted by July 1, 2023, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further, provided that **since the Developmental Disabilities Administration (DDA) has had four or more repeat audit findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency's administrative appropriation may not be expended unless:**

- (1) DDA has taken corrective action with respect to all repeat audit findings on or before November 1, 2022; and**
- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected.**

The budget committees shall have 45 days from the receipt of the report to review and comment to allow for funds to be released prior to the end of fiscal 2024.

Further, provided that \$500,000 of this appropriation made for the purpose of administration may not be expended until the Maryland Department of Health (MDH) submits **a report each quarter to the budget committees regarding the ongoing transition to a fee-for-service (FFS) reimbursement system and spending forecasts for the Developmental Disabilities Administration (DDA) Community Services program transitions.**

The report shall include:

- (1) a timeline for forecasting general fund spending in the Community Services program based on actual utilization and reimbursement billed through the Long Term Services and Supports (LTSS) system following the transition to an FFS model, including a discussion of how the spending will be forecast during the transition period;
- (2) utilization by service type, including the number of claims and claims spending in LTSS to support the general fund forecasting;
- (3) if available, MDH spending forecasts by year;
- (4) the number of individuals receiving DDA-funded services and providers transitioned to the LTSS system, including the timing of the transition, and including those transitioned in fiscal 2024 to date;
- (5) a cost analysis of the rates paid to providers that were transitioned to the LTSS system as part of the LTSS pilot program and how DDA's reimbursements compare to estimated payments that would have been made under the prospective payment model;
- (6) a breakdown of providers transitioned to LTSS by size of provider; and
- (7) an updated timeline for transition of individuals and providers to the LTSS system.

**The reports shall be submitted quarterly.**

*\$125,000 may be available to be released following the submission of each report, and the budget committees shall have 45 days from the date of the receipt of each report to review and comment. Funds restricted pending receipt of these reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.”*

### **M00M01.02 Community Services**

*All appropriations provided for program M00M01.02 Community Services are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose.*

*General Fund Appropriation: provided that **no funds in the Community Services program may be expended for the purpose of transitioning additional providers into the Long Term Services and Supports (LTSS) system until the Maryland Department of Health (MDH) submits a report to the budget committees detailing the number of providers and participants to be transitioned in fiscal 2024 and the estimated increase in payments to the providers if any forecast as a result of the transition to LTSS.** MDH shall certify in the report that adequate funds are included in the fiscal 2024 budget to cover the expected increase in provider payments from the transition planned during the fiscal year. This report should include transition dates and expected costs by service type. The report shall be submitted by July 1, 2023.*

This last reporting requirement is most concerning as a delay in reporting could hold up transitions of providers into LTSS. We have been assured by the DDA administration that this report will be completed on time.

## **Medicaid Waiver Programs – Waitlist and Registry Reduction (End the Wait Act)**

### **SB0622/HB1149 | Support with Amendment**

This bill clarifies certain intentions of the 2022 “End the Wait Act”. It authorizes certain Medicaid funding to be used for moving people off of Home and Community Based Services and the Autism Waiver waiting lists and registries. Amendments were included that clarified how funding in the dedicated purpose account may be used to fund services and also how some funds may also be used to address provider capacity issues.

## Maryland Achieving a Better Life Experience (ABLE) Program – Account Establishment – Procedures

### SB0343 | Support



This bill establishes procedures for people who want to create or receive distributions from an ABLE account within the Maryland ABLE Program. It expands the list of people, by relationship to a qualified individual, who may assist a person with setting up an ABLE account. The bill also increases the age of disability onset for ABLE account eligibility from 26 to 46 years old. The bill is intended to align Maryland law with federal ABLE changes, and ensures that there are safeguards for the expanded list of people who

can set up and use ABLE Accounts. The effective date of the bill is June 1, 2023.

## Special Education – Judicial Actions – Attorney's Fees and Related Costs

### HB1237 | Support

This bill authorizes a court to award reasonable attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a special education proceeding. Expert witness fees can cost families thousands of dollars out of pocket, and are currently unrecoverable under state law. This bill has failed in previous legislative sessions, and we credit the momentum and success this year to new delegate Aaron Kaufman's tenacity as well as grassroots advocacy to drive the bill home. The passage of this bill, if signed into law, creates a more equitable field in special education cases for families in Maryland.

## Fair Wage Act of 2023

### SB0555 | Support with Amendment



This bill accelerates the increase in the state minimum wage to \$15 per hour beginning January 1, 2024. The bill passed with an amendment to remove annual increases in minimum wage tied to the Consumer Price Index. To ensure Community Services Providers are able to raise wages to respond to state minimum wage increases, the DDA budget includes increases in funding of 4% on July 1, followed by an additional 8% on January 1, 2024.



## Serving Every Region Through Vocational Exploration (SERVE) Act of 2023

### SB0551 | Support with Amendment



This establishes the Service Year Option Program for students exiting high school. The program was a hallmark of Governor Moore's campaign, and would create a first-of-its-kind program for any US state. The "SERVE" Act would allow recent graduates

to work for a \$15 hourly wage (or more based on the minimum wage of the state at the time of entry into the program) and a \$3,000 stipend after completing the service year with the state supplementing the stipend and the host organization paying the wage. The Governor has said that grants will be available for a time to organizations to cover the cost of the wages employers would pay under this program.

Amendments that The Arc Maryland and fellow members of the DD Coalition requested were added to the bill were adopted to include students who exit school with certificates and students who may not be able to work 30 hours a week. These students may request accommodations.

## Family and Medical Leave Insurance Program – Modifications

### SB0828/HB0988 | Support with Amendment

This legislation modifies the Family and Medical Leave Insurance Program that passed last session by clarifying and altering certain provisions relating to the administration of the Program, including parts of the bill that relate to the provision of benefits, the payment of contributions, and appeals. It establishes the employer and employee shares of the total rate of contribution at 50% and 50% respectively, capping total contributions at 1.2% of an employee's compensation.

Amendments provided by the DD Coalition include clarifying language for how the state will pay the employer portion of premiums for Medicaid providers. The final version of the bill states that the state will reimburse DD providers on at least a quarterly basis for the employer portion of premiums paid by the provider into the insurance fund. The bill clarifies that an employee is not required to exhaust other forms of provider-provided leave before they can access the insurance program, but allows for an employer to require coordination with other leave use to support a person's leave for qualifying reasons and to allow for employees to receive up to 100% wage replacement through combinations of leave benefits.

## State Board of Nursing – Sunset Extension, License Exceptions, and Board Operations and Membership

### HB0611 / SB0960 | (Monitored/Support)

This bill authorizes the Secretary of the Maryland Department of Health to assume responsibility for operations of the Maryland Board of Nursing in response to years of upheaval and delays in licensure and certification, and lack of responsiveness to inquiries and expositions of its operating weaknesses that have threatened healthcare provider capacity. The Board of Nursing is authorized to continue to operate under the direction of the Secretary and will continue to have responsibility for policy development, investigations, licensing and certification, and enforcement decisions. Under this emergency bill, which becomes effective immediately upon the Governor's signature, Board of Nursing members will need to resign by November 1, 2023.

## Nonpublic Education – Placements of Children With Disabilities – Teacher Salaries (Teacher Pay Parity Act)

### HB0448 | Support

This bill requires the state and certain counties to pay for costs of salaries for teachers at certain nonpublic schools to achieve parity with the salaries of teachers in public schools. An amendment was added, creating a phased-in timeline for how the differences between non-public and public school teachers will be resolved, closing the gap in teacher pay over three years.



HB 448 Third Reading (HB) Calendar No 38 Delegate Korman at 4 Nonpublic Education - Placements of Children With Disabilities - Teacher Salaries (Teacher Pay Parity Act) (Emergency Amendment)		
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## 9-8-8 Trust Fund – Funding

### SB0003/HB0271 | Support

This requires the Governor to include in the fiscal 2025 annual budget bill an appropriation of \$12.0 million to the 9-8-8 Trust Fund. 9-8-8 is a mental health crisis hotline in Maryland and use of the hotline has grown exponentially since its creation. The funding will allow for needed technology and training upgrades, additional clinical staff, and operators to meet the needs of citizens for this important community service.



## Blueprint for Maryland's Future – Publicly Funded Full-Day Prekindergarten Enrollment and Funding – Alterations

### HB0770 | Support

This bill was meant to alter the definition of a "Tier 1 child" who may be enrolled beginning in the 2022-2023 school year to a full-day prekindergarten program, to include children with a disability, children who are homeless youths, and children who are from homes in which English is not the primary spoken language. The bill definitions for Tier 2 children changed to include children who were income-eligible AND children with disabilities, creating the implication that children with disabilities would also need to be income-qualified to have subsidized access to prekindergarten services. The Blueprint for Maryland's Future law states that children with disabilities, regardless of income, shall have access to prekindergarten services. The Arc Maryland will request clarification for what, if any changes, we should expect for children with disabilities who do not also qualify by income.



## Maryland Medical Assistance Program – Autism Waiver – Military Families



### SB0231/HB0726 | Support

This bill requires that a child on the registry for the Autism Waiver remain on the registry if the child's family relocates out of the State for military service, unless the child's family has requested that the child be removed. It also requires that children who become eligible for Autism Waiver services while the family is out of state engaged in Military service to continue to be eligible upon their return to the state.



## **Maryland Developmental Disabilities Council – Establishment**

### **SB0168/HB0504 | Support**



This establishes DD Council as an independent unit of State government. They have authority to conduct and support advocacy, systems change, and capacity-building efforts to promote inclusive communities and equity in services for individuals with disabilities in the state, research best practices

and provide related training and technical assistance to ensure people with disabilities have choice and control in their lives and access to live in communities they choose with supports they need.

## **State Finance and Procurement– Grants– Prompt Payment Requirements**

### **SB0112 | Support**

This bill establishes invoicing and prompt payment requirements for certain State grants. The bill proposed to address the chronic late payments made by the state to organizations that do the work of the state (including many DD Service Providers). A late payment is defined as a payment not made after 37 days from invoicing.

## **Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition**

### **SB0450/HB0215 | Support**

This bill prohibits landlords from using a lease, or form of lease, that contains provisions that limit a tenant's ability to summon law enforcement, or penalize a tenant or another individual solely for summoning law enforcement or emergency services. It also prevents local jurisdictions from including calls to EMS in their nuisance laws, thus protecting people who call EMS from punishment.

## **State Board of Pharmacy – Accessible Prescription Labels, Bag Tags, and Medical Guides for Blind, Visually Impaired, and Print Disabled Individuals – Regulations**

### **SB0940/HB0456 | Support**

This bill requires the State Board of Pharmacy to adopt regulations as to how pharmacies will ensure that prescription labels, bag tags, and medical guides are accessible for people who are blind or have low vision, or print disabled. The bill also requires that the Board give people who are blind or have low-vision that opportunity to comment on regulations prior to enactment.

## **State Government – State Facilities Changes and Closures – Procedures**

### **SB0223/HB0395 | Support as Amended**

This requires a principal department of the Executive Branch to give certain notice to the public, the General Assembly, and any exclusive representative with certain bargaining unit employees and hold a public hearing before changing the use, purpose, or function of a State facility or closing a State facility. The DD Coalition provided amendments that were accepted by the sponsors to ensure timelines could be altered under emergency circumstances that threatened the health and/or safety of patients, inmates or employees, with reporting and planning requirements intact to ensure smooth transitions for people with IDD and others.



## **Nonpublic Schools and Child Care Providers – Corporal Punishment – Prohibition**

### **HB0185 | Support**

This legislation prohibits the State Board of Education from issuing a certificate of approval to non-collegiate educational institutions that do not have a policy prohibiting the administration of corporal punishment. It also requires regulations adopted by the State Board for the registration of family child care homes and large family child care homes and the licensing and operation of child care centers to prohibit corporal punishment.

## **Human Services – Maryland Statewide Independent Living Council**

### **SB0608/HB0053 | Support**

This bill creates the Maryland Statewide Independent Living Council as a instrumentality of the State to submit, monitor, implement, and evaluate the State Plan under the federal Rehabilitation Act in conjunction with a certain State entity. It also establishes a Board of Directors for the Council, and requires the Attorney General to be the legal advisor to the Council.

## **Higher Education – Maryland 529 Program – Reform**

### **HB1290 | Support**

This legislation abolishes and repeals the Maryland 529 Board, specifying that the State Treasurer is the successor to the Maryland 529 Board. It also transfers the responsibility for administering the Maryland 529 Program, including the Maryland Prepaid College Trust, the Maryland College Investment Plan, the Maryland Broker-Dealer College Investment Plan, and the Maryland ABLE Program to the Office of the State Treasurer.

## **Public Health – Home- and Community-Based Services for Children and Youth**

### **SB0255/HB0322 | Support**

This legislation requires the Maryland Department of Health to expand access to and provide reimbursement for certain behavioral health collaborative care, case management, and wraparound services. It also requires, beginning in FY24, the Behavioral Health Administration to fund 100 slots in the mental health case management program for children or youth at risk of out-of-home placement who are not eligible for program services. Lastly, it requires the Governor to include funding in the annual budget bill for certain behavioral health services.



## **Maryland Longitudinal Data System – Definition of Student Data – Alteration**

### **HB0320 | Support**

This bill amends the Maryland Longitudinal Data System (MLDS) to include the collection of student disability data disaggregated by specific disability category.

The MLDS currently collects student data about assessment performance, academic performance and course completion, demographics, degrees, credentials or diplomas, discipline, child welfare data and other key areas affecting attendance, educational performance and potential barriers to college and career readiness. Integrating information about students with disabilities, separated by type of disability, will provide information that has been missing to allow for proper analysis of Maryland's education data system, track outcomes of students, and inform decisions about resources needed.

## **Maryland Medical Assistance Program, Maryland Children's Health Program, and Workgroup on Low-Income Utility Assistance**

### **SB0026/HB0111 | Support**

This requires the Maryland Department of Health to establish an Express Lane Eligibility Program to enroll individuals, based on certain eligibility, in the Maryland Medical Assistance Program and the Maryland Children's Health Program. It also requires the Workgroup on Low-Income Utility Assistance to submit a final report to certain committees of the General Assembly on or before a certain date with certain recommendations; and generally relating to the Maryland Medical Assistance Program, the Maryland Children's Health Program, and the Workgroup on Low-Income Utility Assistance.

The bill creates somewhat of a one-stop-shop for individuals to have deemed eligibility for programs based on eligibility in others. It will help improve processing time for applications where individuals are clearly eligible based on their acceptance to other needs-based programs.

## **Maryland Medical Assistance Program – Collaborative Care Model Services – Implementation and Reimbursement Expansion**

### **SB0101/HB0048 | Support**

This legislation repeals the Collaborative Care Pilot Program, requiring the Maryland Department of Health to expand access to and provide reimbursement for services provided in accordance with the Collaborative Care Model under the Maryland Medical Assistance Program.

It intends to improve cross-disciplinary communication and coordination of care across the health system and expedite access to critical behavioral healthcare services.

## **Behavioral Health Care – Treatment and Access (Behavioral Health Model for Maryland)**

### **SB0582/HB1148 | Support with Amendments**

This bill establishes the Commission on Behavioral Health Care Treatment and Access to make recommendations to provide appropriate, accessible, and comprehensive behavioral health services that are available on demand to individuals in the State across the behavioral health continuum. Amendments supported by The Arc included the addition of representatives from the IDD community. The passed bill requires that one member of the Developmental Disabilities Coalition be appointed to the Commission, and one person with IDD who uses self-directed behavioral health services. The Commission is also required to include a subgroup for youth, people with developmental disabilities and individuals with complex behavioral health needs that will make recommendations to the Commission. The Commission is tasked with “examin[ing] and mak[ing] recommendations to provide appropriate and adequate behavioral health services to individuals with developmental disabilities and complex behavioral health needs, specifically youth.”

## **Maryland Medical Assistance Program and Health Insurance – Required Coverage for Biomarker Testing**

### **SB0805/HB1217 | Support**

This bill requires the Maryland Medical Assistance Program and certain insurers, nonprofit health service plans, health maintenance organizations, and managed care organizations to provide coverage for biomarker testing that is supported by medical and scientific evidence. It establishes requirements for deductibles, copayments, coinsurance, and utilization review for biomarker testing; and requiring the Health Care Commission to report to certain committees of the General Assembly on the impact of providing biomarker testing. This is important as biomarker tracking is a way that healthcare providers can tailor treatment according to the genetic biology of a person for optimal results. As everyone with a disability is different, this is expected to help ensure treatment is customized to a person for better outcomes.

## **Division of Rehabilitation Services and Developmental Disabilities Administration– Memorandum of Understanding**

### **HB0870 | Support**

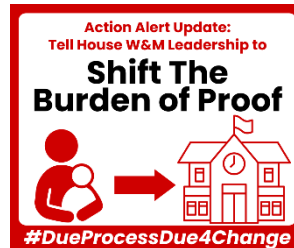
This bill requires the Division of Rehabilitation Services (DORS) and the Developmental Disabilities Administration to enter into a Memorandum of Understanding (MOU) which will allow them to share data and records of people with disabilities between the two entities. This was a recommendation that came out of the work of the DORS Commission to help streamline the eligibility process for a person, and to improve timeliness of access to DORS and DDA Services for more seamless stacking of DDA and DORS services for enhanced employment support outcomes.

# Tracked Legislation That Did Not Pass

## County Boards of Education – Due Process Proceedings for Children With Disabilities – Burden of Proof

**SB0926/HB0294 | Support | Passed in House; Was not advanced in Senate EEE Committee**

This bill would have required school systems to bear the burden of proof in special education due process proceedings regardless of which party (a parent or the school) brought the complaint. The legislation would have leveled the playing field for families in Special Education Due Process Hearings by shifting the burden of proof from the families to the school system. Families of students with disabilities have been fighting for this change for more than a decade. The current system is balanced in favor of the schools: only parents who can afford expensive attorneys and expert witnesses have a good chance of winning in a due process hearing and even when parents have representation, they still lose most of the time due to the imbalance of resources AND accessibility to documentation compared to the school system.



Many of the cases that go to due process relate to placement decisions. In Maryland, only 20% of students with IDD are included in general education classrooms 80% or more of the time. Maryland has the third highest rate of educating students with disabilities in separate schools. We must do something to turn things around.



Shifting the burden of proof in other states has led to less due process claims and more collaboration without adding to teacher workload or costs to the education systems (according to information included in the bill's fiscal note.)

Although the bill did not advance, we understand that the bill sponsor and the chair of the EEE committee are interested in developing solutions to these problems over the summer and fall months. These solutions may include a review of the parent consent law for possible changes, and a legal action fund for parents.



## Public Safety – Voluntary 9-1-1 Registry

### HB1176 | Support with Amendment | Passed in House; Failed to Pass in Senate

This bill would have established a voluntary 9-1-1 registry for Marylanders who need additional assistance in first responder encounters. It would include information provided by an adult, a parent (for a minor child), or a legal guardian about certain behaviors, diagnoses, or traits a person may want first responders to know about them once a 911 call is placed. With the unrelenting advocacy of our grassroots network, the bill passed through the Senate's JPR committee on the final day of session, but in the final hours, the bill was held up and did not have a third reading on the senate floor. We look forward to working with legislators and stakeholders on this initiative in the months outside of the legislative session for a possible return of this bill next session, or another initiative designed to enhance interactions between people with IDD and First Responders.



## State Department of Education – Division of Rehabilitation Services – Funding and Staffing

### HB1222/SB0934 | Support | An Amended Version Passed in Senate but did not advance in the House

This bill would have suggested that the Governor include an appropriation in the Annual Budget Bill, a General Fund appropriation in an amount equal to the state match amount for the Division in addition to funding for personnel. Currently, the state funding allocated for the Division of Rehabilitation Services (DORS) is insufficient to capitalize on Federal matching funds. DORS remains understaffed and wait lists for eligibility determinations and services are long.

# Tracked Legislation We Opposed That Did Not Pass

## Education – Student Behavior – Parent and Guardian Notice and Required Counseling (Parent and Guardian Accountability Act)

### HB0069 | Oppose | Did not pass

This bill would establish that it is unlawful for a parent or guardian of a student in a public school to fail to seek and participate in counseling with the parent's or guardian's child after receiving notice of violent and disruptive behavior. It would also require a public school principal to provide written notice to the parent or guardian of a student who engages in two or more incidents of violent and disruptive behavior in a public school during the school year. This would have put undue burden on families of students with disabilities and is not an intervention that is in line with significant work to instill restorative practices in school, has no support in the trauma informed care model and is generally against good education practices.

## Primary and Secondary Education – Virtual Schools – Alterations

### HB0985 | Oppose | Did not pass

This would authorize the State Department of Education, a county board of education, or a public institution of higher education to establish a statewide virtual school in the State. It would authorize a student who is eligible for enrollment in a public school in State to enroll in any virtual school established throughout the State and repeal certain provisions of law regarding the establishment and operation of virtual schools. The bill did not contain IDEA FAPE assurances or protections for students with disabilities.

## Election Law – Absentee Ballots – Signature Requirements and Verification

### HB0022 | Oppose | Did not pass

This bill would have prohibited local boards of elections from counting absentee ballots unless the return envelope or ballot/return envelope is signed by the voter and, except under certain circumstances, a witness, and the boards of elections verify it. We believed it would create hurdles to allowing people with disabilities due consideration and the equitable opportunity to exercise their right to vote.

## **Elections – In-Person Voting – Proof of Identity**

### **SB0567/HB0035 | Oppose | Did not pass**

This legislation would require election judges to establish a voter's identity with a valid government-issued photo ID or a valid nongovernment-issued photo ID paired with a current bill, statement or check that states their name and address. Similar to the previous legislation, we believed this would create hurdles to allowing people with disabilities due consideration and the equitable opportunity to exercise their right to vote.

## **Election Law – Voting – Proof of Identity**

### **SB0750/HB1216 | Oppose | Did not pass**

Similar to the last piece of legislation, this would have altered how election judges establish the identity of a voter. It would have required the election judge to refer a voter for provisional voting if the voter is unable to provide the required ID and prohibit the person from voting or attempting to vote under a false form of identification. We believed this would create hurdles to allowing people with disabilities due consideration and the equitable opportunity to exercise their right to vote.







# The Arc Maryland 2023 Public Policy Team

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Kim Tart, Board Secretary and Education Advocacy Co-Chair

## 2023 Legislative Session

### By the Numbers



**445<sup>th</sup> Session of the Maryland General Assembly**

**47 Senators (34 Democrat; 13 Republican)**

**141 Delegates (102 Democrat; 39 Republican)**



**1,365 Senate Bills and Bond Initiatives**

**1,699 House Bills and Bond Initiatives**



**169 Bills Tracked:**

**104 Positions Taken**

**65 Bills Monitored**



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