



**Maryland Association of Community Services
2022 LEGISLATIVE SESSION WRAP-UP REPORT**



Synopsis

MACS is very pleased to announce that the 2022 legislative session resulted in a number of positive budgetary and legislative outcomes for the developmental disability (DD) community! The governor's initial budget included a 4% rate increase for DD community services as well as provided funding for other priorities for Marylanders with developmental disabilities. Following a robust grassroots push from MACS members and the broader DD Community, and the actions of our legislative champions, the Governor included an additional 4% rate increase for community services in a Supplemental Budget. As a result, the total rate increase for DD community services increased to 8% for FY 23. This unprecedented increase could not have come at a more critical moment as providers continue their efforts to recover from the pandemic in the face of crisis-level staffing shortages.

On the legislative front, MACS, along with its DD partners, supported several bills that would improve the lives of Marylanders with disabilities including a bill that would decrease the waiting lists for the Autism and DD waivers and a bill to create Supported Decision Making as a less restrictive alternative to guardianship. The MACS legislative team also spent a great deal of its legislative energy on the Time to Care Act—a bill that creates paid family and medical leave in Maryland. The legislature's presiding officers had committed to passing the bill this year and thus MACS focused its efforts on working with proponents and legislators to amend the bill to better balance the needs of employees to access paid leave, with the needs of Medicaid employers with limited budgets to maintain staffing levels.

Fiscal Year 2023 DDA Budget Expansion

Thanks to the Governor and to the Maryland General Assembly, the FY 2023 budget includes full funding of the Developmental Disability Coalition's priorities including an 8% community services rate increase.

Specific budget items that were adopted are detailed below.

Rate Increase

The Governor proposed, and the General Assembly supported, **\$114 million** in total funds to provide an 8% rate increase for DDA community services. This rate increase is particularly critical in light of the crisis-level staffing shortages providers continue to face as a result of the pandemic and competition with starting wages at retail stores.

Transitioning Youth

The Governor's Transitioning Youth Initiative includes **\$18,648,167** in total funds to support **566** eligible youth at least 21 years of age who have exited high school.

Emergency Funding

\$791,200 in total funds will be available to provide community supports and services to approximately **32 people** in emergency situations who need Residential, Day, Supported Employment, Personal Services, and/or Individual Support Services.

Waiting List - Crisis Resolution

\$9,808,315 in total funds is budgeted for community supports and services for **214** people on the DDA Waiting List with the most urgent needs-- 46 of whom are in Crisis Resolution. Services include Residential, Day, Supported Employment, Self-Directed, Personal, and Individual Support Services.

Waiting List Equity Fund

The budget also includes **\$550,507** in total funds for the Waiting List Equity Fund that will be available for **36 people** on the DDA Waiting List with the oldest caregivers.

DSS Aging Out Placements

The budget includes **\$422,152** in total funds for **20** youth who are aging out of Department of Social Services programs and entering DDA funded community supports.

Inclusive Housing

\$150,000 was included in the budget to continue support for the MD Inclusive Housing Corporation to serve as a catalyst for the development and identification of affordable and accessible housing and housing resources for people with I/DD.

Legislative Highlights

Bills of Interest that Passed

[HB 496/SB 275: Labor and Employment - Family and Medical Leave Insurance Program - Establishment \(Time to Care Act of 2022\)](#)

The bill establishes a paid family and medical leave program in Maryland that provides **12 weeks** of leave in most instances to: care for a child in the first year after birth, foster placement or adoption; to care for a family member's serious health condition; to care for the employee's own serious health condition, to care for a member of the military who is next of kin, or to attend to exigencies arising out of the deployment of a member of the military who is the employee's family member. The bill permits up to **24 weeks** within a claim year for an employee to take care of their own serious health condition as well as to care for a child in the first year after birth, adoption or foster placement. Contributions to the fund shall begin on 10/1/23 and claims may be filed beginning 1/1/25. Every 2 years, the Secretary of Labor shall make recommendations regarding the total rate of contribution and the split between employers and employees that falls within 25% - 75%. Weekly amounts will range between \$50 - \$1000 the first year and the range will subsequently be determined by the Secretary of the Department of Labor and will increase by CPI annually. Benefits run concurrently with FMLA. Employer provided leave that is not required by law, must be exhausted before an employee may claim these benefits. Employees become eligible for the leave benefits after 680 hours worked (full-time or part-time and for any employer or combination of employers) in the previous 12-month period. The legislature will likely take up this bill again next session to tweak and clarify some irregularities in the legislation. See this helpful [overview](#) from Shawe Rosenthal and [FAQ](#) from Fisher Phillips.

[SB 93: Tax Credits - Employment of Individuals With Disabilities](#)

While we hope for a day when employers will not have to be incentivized to hire people with disabilities, this bill seeks to increase employment opportunities for people with disabilities by increasing existing tax credits available to employers of people with disabilities related to wages, childcare or transportation expenses in an amount equal to 30% of the first \$15,000 of the employee's wages during each of the first 2 years of employment.

[HB 6/SB 150: Maryland Medical Assistance Program – Dental Coverage for Adults](#)

An important healthcare access bill, HB 6/SB 150 provides-- subject to the state budget-- dental care services including diagnostic, preventive, restorative and periodontal services for adults whose annual household income is at or below 133% of the federal poverty level. The program will begin on January 1, 2023 and will be funded by \$82.3M in total funds that was included in the FY 23 budget.

[HB 529/SB559: Estates & Trusts - Supported Decision Making](#)

In what is seen as a civil rights issue for people with disabilities, this bill creates a far less restrictive alternative to guardianship through the use of "supporters," chosen by a person

to help effectuate their decisions. Supporters are prohibited from substituting their own decisions for that of the person they are supporting and the Supported Decision Making option does not supplant the authority of a power of attorney or an advance directive.

[HB 140/SB 636: Maryland Department of Health - Waiver Programs - Waitlist Reduction \(End the Wait Act\)](#)

Spearheaded by some of the disability community’s most ardent legislative supporters, this bill requires MDH to develop a plan to reduce the waiting lists by 50% in 8 waiver programs in FY 23 based on, among other things, an analysis of existing provider capacity to expand and the resources needed to do so. Implementation of the plan is to begin in FY 24.

Bills of Interest that Failed

[HB 698/SB 721: Labor and Employment - State Minimum Wage Rate - Increase](#) would have accelerated the minimum wage rate increase to \$15/hour on July 1, 2022 for large employers and \$15/hour on July 1, 2023 for small employers. Would have also repealed the authority of the Board of Public Works to temporarily suspend the rate increase. Did not include the Medicaid provider increases that were included in the 2019 Fight for Fifteen legislation.

[SB 10: Workers’ Compensation – COVID 19 -Occupational Disease Presumptions](#)

We saw numerous bills addressing Workers Compensation during the 2021 session. Like some of those bills, this bill would have created a rebuttable presumption that COVID-19 was contracted at work and qualified as a compensable occupational disease for first responders, public safety employees, and health care workers after a positive test or diagnosis of COVID-19 within 14 days after a day that the individual worked at the individual’s primary workplace or another assigned workplace. Would have captured DDA licensed settings and been retroactive to March 2020.

[SB 683: Renewable Energy for Nonprofit Organizations Loan Program](#) would have created a zero-interest loan program to allow nonprofits to purchase and install solar panels or choose geothermal energy. Borrowers would have contributed 10% of the cost of a qualifying renewable energy system. Repayment would have been made on a schedule established by the Maryland Energy Administration with the potential for a deferred payment basis. Several MACS members were interested in this idea and MACS will work with Senator Kagan’s next year should she decide to bring the bill back.

There were several expungement bills that failed:

[HB 122/SB 138: Criminal Procedure - Expungement of Records – Expansion](#) would

have expanded expungement of records to probation before judgement and stays if all court ordered conditions of the disposition have been satisfied.

HB 957: Criminal Procedure - Expungement - Felony Convictions would have permitted expungement of first-degree assault (if crime did not involve domestic violence & person has no other convictions), robbery with a dangerous weapon and carjacking/armed carjacking.

HB 1442/SB 710: Criminal Procedure - Expungement of Records - Modifications would have added arrest warrants and fugitive warrants to the definition of “police record” for purposes of expungement.

Thank you for your responsiveness to the MACS Action Alerts during the 2022 Legislative Session—your advocacy made a difference!

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