HOUSE BILL 1244

J1 5lr2994
CF SB 1027

By: **Delegates Guyton ~~and Bagnall~~, Bagnall, Pena–Melnyk, Cullison, Alston, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, Taveras, Woods, Woorman, and Ross**

Introduced and read first time: February 7, 2025
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 3, 2025

CHAPTER _____

AN ACT concerning

Maryland Developmental Disabilities Administration Waiver Advisory Council – Establishment

FOR the purpose of establishing the Maryland Developmental Disabilities Administration Waiver Advisory Council to advise and provide recommendations to the Developmental Disabilities Administration on system design, service delivery, and quality enhancement strategies for the Medicaid waiver programs operated by the Administration; and generally relating to the Maryland Developmental Disabilities Administration Waiver Advisory Council.

BY adding to
Article – Health – General
Section 7–12B–01 through 7–12B–05 to be under the new subtitle "Subtitle 12B. Maryland Developmental Disabilities Administration Waiver Advisory Council"
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

SUBTITLE 12B. MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION WAIVER ADVISORY COUNCIL.

7–12B–01.

IN THIS SUBTITLE, "COUNCIL" MEANS THE MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION WAIVER ADVISORY COUNCIL.

7–12B–02.

(A) THERE IS A MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION WAIVER ADVISORY COUNCIL IN THE ADMINISTRATION.

(B) THE PURPOSE OF THE COUNCIL IS TO:

(1) ADVISE AND PROVIDE RECOMMENDATIONS TO THE ADMINISTRATION ON SYSTEM DESIGN, SERVICE DELIVERY, AND QUALITY ENHANCEMENT STRATEGIES FOR THE MEDICAID WAIVER PROGRAMS OPERATED BY THE ADMINISTRATION; AND

(2) FOSTER MEANINGFUL ENGAGEMENT AND ESTABLISH A FEEDBACK LOOP WITH ALL STAKEHOLDERS WHILE PRIORITIZING INPUT FROM INDIVIDUALS WITH LIVED EXPERIENCE WITH A MEDICAID WAIVER PROGRAM.

(C) THE COUNCIL SHALL ADHERE TO PERSON–CENTERED THINKING, DIVERSITY, EQUITY, AND INCLUSION PRINCIPLES, AND EVIDENCE–BASED AND DATA–DRIVEN DISCUSSION AND PROBLEM SOLVING.

7–12B–03.

(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING VOTING MEMBERS, APPOINTED BY THE SECRETARY OF HEALTH:

(I) ~~18~~ 20 INDIVIDUALS WITH LIVED EXPERIENCE PARTICIPATING IN AN ADMINISTRATION PROGRAM THAT SHALL INCLUDE:

1. REPRESENTATIVES FROM ADVOCACY GROUPS FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

2. EQUAL REPRESENTATION FROM INDIVIDUALS WHO HAVE EXPERIENCED SELF–DIRECTED DELIVERY MODELS AND INDIVIDUALS WHO HAVE EXPERIENCED TRADITIONAL DELIVERY MODELS;

(II) TWO LICENSED PROVIDERS OF RESIDENTIAL AND DAY SERVICES;

(III) TWO CERTIFIED PROVIDERS OF SERVICES INCLUDING EMPLOYMENT, PERSONAL SUPPORT, TECHNOLOGY, AND TRANSPORTATION;

(IV) ONE COORDINATION OF COMMUNITY SERVICES PROVIDER;

(V) ONE FINANCIAL MANAGEMENT AND COUNSELING SERVICES PROVIDER;

(VI) ONE REPRESENTATIVE OF AN ETHNIC ADVOCACY GROUP IN THE STATE;

(VII) ONE REPRESENTATIVE OF THE MARYLAND CENTER FOR DEVELOPMENTAL DISABILITIES;

(VIII) ONE REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;

(IX) ONE REPRESENTATIVE OF THE SELF–DIRECTED ADVOCACY NETWORK OF MARYLAND;

(X) ONE REPRESENTATIVE OF THE PARENTS' PLACE OF MARYLAND;

(XI) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COMMUNITY SERVICES;

(XII) ONE REPRESENTATIVE OF THE ARC MARYLAND;

~~(XI)~~ (XIII) THREE FAMILY MEMBERS WITH EXPERIENCE WITH SELF–DIRECTED SERVICES; AND

~~(XII)~~ (XIV) THREE FAMILY MEMBERS WITH EXPERIENCE WITH TRADITIONAL SERVICES.

(2) THE COUNCIL CONSISTS OF THE FOLLOWING NONVOTING MEMBERS:

(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(III) THE DIRECTOR OF FEDERAL PROGRAMS AND INTEGRITY IN THE ADMINISTRATION;

(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF DISABILITIES, DESIGNATED BY THE SECRETARY OF DISABILITIES;

(V) ONE REPRESENTATIVE OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, DESIGNATED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

(VI) ONE REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES, DESIGNATED BY THE SECRETARY OF HUMAN SERVICES;

(VII) ONE REPRESENTATIVE OF THE DIVISION OF REHABILITATION SERVICES IN THE STATE DEPARTMENT OF EDUCATION, DESIGNATED BY THE STATE SUPERINTENDENT OF SCHOOLS;

(VIII) THE FOLLOWING MEMBERS, DESIGNATED BY THE SECRETARY OF HEALTH:

1. ONE REPRESENTATIVE OF THE OFFICE OF LONG TERM SERVICES AND SUPPORTS;

2. ONE REPRESENTATIVE OF THE BEHAVIORAL HEALTH ADMINISTRATION;

3. ONE REPRESENTATIVE OF THE OFFICE OF HEALTH CARE QUALITY;

4. ONE REPRESENTATIVE OF THE ELIGIBILITY DETERMINATION DIVISION OF THE OFFICE OF ELIGIBILITY SERVICES; AND

5. ONE REPRESENTATIVE OF THE MARYLAND LONG TERM SERVICES AND SUPPORT SYSTEM PROGRAM MANAGEMENT OFFICE; AND

(IX) THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY OF HEALTH:

1. ONE REPRESENTATIVE OF THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF DEVELOPMENTAL DISABILITIES SERVICES; AND

2. ONE REPRESENTATIVE OF APPLIED SELF–DIRECTION.

~~(3) THE LICENSED OR CERTIFIED PROVIDERS ON THE COUNCIL SHALL INCLUDE REPRESENTATIVES FROM EACH REGION AND FROM THE MARYLAND ASSOCIATION OF COMMUNITY SERVICES AND THE ARC OF MARYLAND.~~

~~(4)~~ **(3) FAMILY MEMBERS APPOINTED TO THE COUNCIL SHALL INCLUDE AT LEAST ONE FAMILY MEMBER FROM EACH REGION.**

~~(5)~~ **(4) THE ADMINISTRATION SHALL ESTABLISH AN APPLICATION PROCESS AND REVIEW PROCESS FOR MEMBERS WHO WISH TO SERVE ON THE COUNCIL.**

~~(6)~~ **(5) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COUNCIL SHALL REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHICAL DIVERSITY OF THE STATE.**

(B) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE COUNCIL ON OCTOBER 1, 2025.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE CONSECUTIVE TERMS BUT MAY SERVE FOR MULTIPLE NONCONSECUTIVE TERMS.

(C) (1) THE DIRECTOR OF FEDERAL PROGRAMS SHALL SERVE AS A NONVOTING COCHAIR.

(2) THE COUNCIL SHALL VOTE FOR THE ADDITIONAL COCHAIR.

(D) (1) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE COUNCIL.

(2) THE DEPARTMENT SHALL INCLUDE A DEDICATED COUNCIL WEBPAGE ON THE DEPARTMENT'S WEBSITE THAT INCLUDES MEETING DATES AND

TIMES, AGENDAS AND OTHER MEETING DOCUMENTS, AND RECORDED PAST MEETINGS OF THE COUNCIL.

(E) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE COUNCIL MAY PROVIDE TRAVEL ARRANGEMENTS, AS NECESSARY, FOR MEMBERS OF THE COUNCIL WITH DISABILITIES.

7–12B–04.

(A) (1) THE COUNCIL SHALL MEET ONCE EVERY 2 MONTHS IN A LOCATION THAT IS MADE PUBLICLY AVAILABLE AT LEAST 2 WEEKS BEFORE THE MEETING.

(2) THE COUNCIL MAY HOLD ADDITIONAL MEETINGS IF DETERMINED NECESSARY BY THE COCHAIRS.

(3) MEETINGS OF THE COUNCIL SHALL:

(I) BE OPEN TO THE PUBLIC AND RECORDED BY VIDEO;

(II) FOLLOW AGENDAS THAT ARE DISTRIBUTED AT LEAST 1 WEEK BEFORE THE MEETING TO COUNCIL MEMBERS BY E–MAIL;

(III) CONCLUDE WITH A CLEAR UNDERSTANDING OF EXPECTATIONS AND ASSIGNMENTS FOR FUTURE STEPS;

(IV) PROVIDE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES; AND

(V) INCLUDE TIME FOR PUBLIC COMMENT AFTER MEETING AGENDA ITEMS HAVE BEEN ADDRESSED.

(4) A MEETING OF THE COUNCIL MAY BE HELD VIRTUALLY IF DETERMINED NECESSARY BY THE COCHAIRS.

(5) THE COUNCIL SHALL PROVIDE NOTICE OF ITS MEETINGS BY E–MAIL TO MEMBERS AT LEAST 1 WEEK BEFORE THE MEETING AND SHALL INCLUDE AN AGENDA AND ANY DOCUMENTS TO BE REVIEWED FOR THE MEETING.

(6) THE COUNCIL SHALL DISTRIBUTE MEETING MINUTES TO MEMBERS WITHIN 2 WEEKS AFTER EACH COUNCIL MEETING.

(B) THE COUNCIL MAY FORM WORKGROUPS THAT MAY MEET AS DIRECTED BY THE COCHAIRS.

(C) THE COUNCIL SHALL ESTABLISH A CODE OF CONDUCT FOR COUNCIL MEETINGS.

7–12B–05.

(A) THE COUNCIL SHALL PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE ADMINISTRATION ON:

(1) ADMINISTRATION–OPERATED MEDICAID WAIVER PROGRAM SYSTEM DESIGN, INCLUDING WAIVER APPLICATION REGULATIONS AND POLICIES;

(2) SERVICE DELIVERY AND ACCESS TO SERVICES;

(3) FEDERAL WAIVER ASSURANCES;

(4) ENSURING ACCESS TO MEDICAID SERVICES;

(5) QUALITY ENHANCEMENT EFFORTS AND IMPROVEMENT STRATEGIES;

(6) COMMUNICATION WITH STAKEHOLDERS, INCLUDING A TRANSPARENT FEEDBACK PROCESS; AND

(7) COLLABORATIVE PROCESSES WITH STAKEHOLDERS.

(B) (1) THE COUNCIL SHALL VOTE ON THE ADVICE AND RECOMMENDATIONS TO PROVIDE TO THE ADMINISTRATION UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE COUNCIL SHALL ATTEMPT TO REACH CONSENSUS AND ALL MEMBERS SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD.

(3) IF CONSENSUS CANNOT BE REACHED ON A PARTICULAR ISSUE, THE COUNCIL MAY VOTE WITH A 75% AGREEMENT THRESHOLD.

(4) (I) A COUNCIL MEMBER MAY NOT VOTE ON ANOTHER MEMBER'S BEHALF.

(II) A COUNCIL MEMBER MAY DESIGNATE A PROXY FOR THE MEMBER.

(III) A COUNCIL MEMBER'S PROXY MAY VOTE ON BEHALF OF A MEMBER ONLY IF THE PROXY IS ATTENDING THE MEETING FOR THE MEMBER.

(IV) A COUNCIL MEMBER'S PROXY MAY NOT VOTE ON BEHALF OF THE PROXY.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial voting members of the Maryland Development Disabilities Administration Waiver Advisory Council shall expire as follows:

(1) ~~18~~ 20 members in 2027; and

(2) ~~17~~ 19 members in 2028.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.