

SDAN

Self-Directed Advocacy Network of Maryland, Inc.

Welcome!

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A Note from the Board:

Civility and consideration require all parties to engage with good faith and transparency.

When those values are lacking in one party, it can result in unjust treatment and harmful decisions toward the other. When this happens, we urge you to be fearless in speaking out for the respect and fair treatment you deserve.

Respecting the experiences and amplifying the voices of our self-advocate friends and loved ones is one of SDAN's highest priorities. We value the work of families as they navigate a complex system to provide care that no professional service can replicate. We trust and deeply appreciate you all.



*Thank you for supporting
participant choice and control
of services in Maryland!*



DDA Waiver Amendment Review of Self-Direction Services

**Friday, June 20th
12:00 PM - 1:30 PM**



Please Mute.

Submit comments & questions and
download slide deck through CHAT.

Recording will be available on our
website and YouTube channel.

Close captioning available.

Today's Agenda



ADVOCACY

- ❖ Advocacy: A Long Game
- ❖ SDAN Updates
- ❖ Maryland Budget Bill FY2026
- ❖ Waiver Process

RELATIVES & LEGALLY RESPONSIBLE PERSONS

- ❖ Legally Responsible Persons
- ❖ Relatives/Family as Staff
- ❖ Supported Decision Making

SERVICES: APPENDIX C

- ❖ [Personal Supports Services](#)
- ❖ [Community Development Services](#)
- ❖ [Ongoing Job Supports](#)
- ❖ [Respite Services](#)

- ❖ [Behavioral Support Services](#)
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- ❖ [Environmental Modifications](#)

IN-DEPTH

- ❖ [Individual and Family Directed Goods & Services](#)
- ❖ [Day-to-Day Administrative Supports](#)
- ❖ Odds and Ends

PUBLIC COMMENT

RESOURCES

COMMENTS and QUESTIONS

CLOSING

Advocacy: A Long Game

- SDS has been in MD for 20+ years. The previous DDA administration declared MD a “Self-Direction First” and “Employment First” state, launched employment, person-centeredness, independence, and sustainability initiatives—while also attempting to eliminate family as staff.
- In 2016, when family as staff was clearly in jeopardy, SDAN was organized to defend participant choice and control of services.
- The **Self-Direction Act of 2022** was first attempted in 2019. After two failed attempts and a six-month long legislative workgroup, was unanimously approved by the Maryland General Assembly. Passage of any law is only a first step—the implementation, enforcement, and strengthening of a law requires constant advocacy to achieve and maintain its intended goals.
- Self-Direction is here to stay, as long as we remain vigilant and involved.



SDAN Advocacy Updates



SDAN's regular meetings with DDA officials ended suddenly in December 2023. We work tirelessly on our advocacy goals but often keep efforts quiet until successful. Despite challenges from the DDA, we've made significant progress and prevented many issues. Our achievements are thanks to the hard work of our entire community. Here are some key activities SDAN has been involved in with you, other advocates, and allies:

CURRENT & ONGOING

- DRM is engaged on behalf of SDAN with the Assistant Attorney General to retain services in Auto Extended budgets—including IFDGS and Day-to-Day Administrative Supports.
- Collaborating with a top legal firm on issues with the Self-Direction Manual and broad service denials. Currently awaiting a response from the Office of the Attorney General.
- Continuing contract with the Down Syndrome Association of Maryland, to assist participants in developing and submitting complaints to the Office of Civil Rights.
- Strengthened partnerships with the DD Coalition, Disability Rights Maryland, The Arc MD, People On the Go, key legislators and trusted allies.
- Exception wage for Geographical Differential Counties reinstated; continue to work on reinstatement of a separate Standard wage for Geographical Differential counties.
- Represented Self-Direction on the Waiver Advisory Council, Rate Review Advisory Group.
- Provided SDAN members with legislative updates and other resources during the legislative session
- Oversaw the DDA administered, ARPA Grant funded, Sustainability Planning Project, in partnership with Collaborative Strategies LLC

- Advocated against the Self-Direction Manual with key lawmakers; supported a rally led by dad and advocate Adam Wyndam; and held a second rally soon after, engaging with multiple members of the press and other advocacy organizations.
- Supported the Concerned Citizens leadership with information and publicity in their efforts to launch a lobbying effort against provisions in the Self-Direction Manual and MDH cost-containment actions.

RECENT & RECURRING

- Instrumental in reducing the staff recruitment requirement from 3 months to 2 weeks and restoring the ability of Support Brokers to offer other services.
- Facilitate Developmental Disabilities Day in Annapolis advocacy.
- Create and host public meetings on timely topics for Self-Direction such as Medicaid Appeals, Office of Civil Rights Complaints, and the Waiver Amendment
- Member of the 2025 legislative Cost-Containment Work Group
- Legislative updates and testimony Waiver Advisory Council, Rate Review Advisory Group
- Engage with members of the press.

Impacts of the fiscal 2026 Maryland Budget Bill



WAIVER AMENDMENT

The fiscal 2026 budget passed by Maryland lawmakers earlier this year required the following waiver changes:

- A reduction in LTSS Rates for the Geographical Differential counties, resulting in reduced service funding in Calvert, Charles, Frederick, Montgomery, and Prince George's Counties, for all participants, regardless of service model.
- A reinstated \$5,000 limit on Individual and Family Directed Goods and Services (IFDGS), not including the Day-to-Day
- *SDAN is seeking clarification:* There is information that the legislators restored \$7mm specifically for Day-to-Day Administrative Supports. It is NOT clear how DDA decided to limit it to 10 hours per month per participant & 40 hours per week per provider.

Also, state law required the reduction of Standard and Exception wages in Calvert, Charles, Frederick, Montgomery, and Prince George's Counties, as well as Exception wages in the rest of the state. Further, the DDA has ignored the intent of the law by eliminating a separate geographical differential Standard Wage (historically equivalent to the Rest of State exception), thus disproportionately impacting mid-level wages in the five geographical differential counties.*

**Current Reasonable and Customary Wage charts can be found in the Self-Direction Manual and webinar (links)*

Waiver Process

- We are currently in the 3rd year of the Waiver approved July 2023.
- DDA is proposing a waiver amendment
- DDA must address the legislative/budget bill changes (IFDGS Cap, Geo Diff, Dedicated Hours, Day to Day Administrator)
- DDA is incorporating changes the CMS has made
- DDA has gone much further and has proposed significant changes that are not required.



Legally Responsible Persons (LRPs)



- Legally Responsible Persons (LRP) are either, 1) parents of a minor child (Natural, step, adoptive, or foster), 2) Legal guardians, 3) court-appointed relative caretakers.
- When a legally-responsible person is **paid** for providing direct waiver services, decisions regarding hiring, firing, wages, schedules, vendors, and the like—including an LRP—must be done through Supported Decision Making. (New)
- DDA must approve the hiring of LRP as staff. (New)

Family as Staff



- **“Family as Staff” expanded**—definition of a “relative” now includes stepsiblings, grandparents, step-grandparents, aunts, uncles, nieces, and nephews, as well as parents (natural, step, adoptive, and foster) and siblings. (New)
- All relatives may be paid no more than 40 hours/week for all waiver services rendered.
- When a relative is involved in directing waiver services, all decisions regarding hiring, firing, wages, schedules, vendors, and the like—including family as staff—must be done through Supported Decision Making. (New)
- DDA must approve hiring a relative as staff. (New)

Supported Decision Making



- Required when a relative or legally responsible person is working for the participant.
- We understand this raises many questions and concerns that need to be looked at and addressed.

LINKS:

[Disability Rights Maryland](#)

[Maryland DD Council](#)



Personal Supports (PS) & Community Development Services (CDS)



- PS Overnight staff must be **AWAKE** and **ALERT**; a schedule of tasks must be included in a Behavior Support Plan and/or Nursing Care Plan. (New)
- When there is a specific, documented behavioral or health/safety needs, **higher intensity PS and/or services*** may be authorized for up to 6 months to allow for the development and approval of a Behavioral Support Plan and/or Nursing Care Plan. (New)

*PS Awake Overnights, PS Supports Enhanced, PS 1:1 & CDS 1:1 or 2:1

Employment Services: Ongoing Job Supports

- ❖ Job must have the qualities of competitive integrated employment.
- ❖ May provided via remote technology (i.e. Skype or Facetime), if preferred by the participant. (New)
- ❖ Participants who have been authorized for Employment Services - Follow-Along Supports and/or Employment Services - Ongoing Job Supports for two (2) consecutive plan years without securing employment, may not be authorized for these services for any subsequent plan year unless the participant secures employment.
- ❖ Participants who have newly added an employment goal, including participants new to service, Employment Services - Follow-Along Supports and/or Employment Services - Ongoing Job Supports may be authorized even if the participant is not currently employed.

Environmental Modifications

- ❖ Allows Smart home devices installed in a home, such as voice activated door openers, blinds and shade openers. (New)



Respite Care Services



- ❖ Out of state camps may be approved by DDA *based on state licensure requirements.* (New)
- ❖ In state camps must be certified by MDH
- ❖ The purpose of this service is to give the primary caregiver a break from caregiving; therefore primary caregivers cannot be paid to provide this service.

Behavioral Support Services

- Assessment
- Plan
- Consultation
- Implementation



- Clarified the inclusion of dedicated supports* in a Behavior Support Plan
- Expanded qualified professionals for behavioral assessment and consultations to include a Licensed graduate-level professional counselor, Licensed masters-level social worker, and Board-Certified Behavior Analyst
- Removed requirements for high school diploma or GED

*i.e. PS Awake Overnights, PS Supports Enhanced, PS 1:1 & CDS 1:1 or 2:1

Nursing Support Services (SD)

- Consultation
- Delegation



- Changed language to reflect the language in COMAR 10.27.11, Nurse Practice Act.
- No apparent changes affecting participants

Live-in Caregiver Supports



- Defined as someone residing in the same household as a participant (not the family home) and providing supports and services.
- Reimbursement limited to for the months in which the service agreement is successfully carried out; participant responsible for unmet rental obligations.
- A sibling may be paid to provide this waiver service unless they are a legally responsible person or legal guardian.

Support Broker Services



- Support Brokers must agree to a **Code of Conduct**.
- Support Broker Services are required:
 1. When a relative, legally responsible person individual, representative payee, and legal guardian serve as paid staff to assure proper oversight and quality assurance as well as reduce conflicts of interest.
 2. When the participant selects a relative, legal guardian, or legally responsible person.
 - I. **To ensure quality services, Support Brokers can provide collectively for all participants they support up to 40 hours per week of Support Broker Services.**
 - J. Support Broker administrative non-billable activities include: 1. Attending training; 2. Correspondence or research; 3. Creating and issuing invoices; and 4. Travel.
- CPR/1st Aid not required.

Individual and Family Directed Goods & Services (IFDGS)



\$5,000 annual cap has been reinstated; current IFDGS approved above this limit may continue to utilize the authorized amount through the end of the plan year.

Does not include Day-to-Day Administrator.

➤ Added that a person must first access integrated programs or activities that are available to the public, free, or at a lower cost. Must be the most cost-effective way of meeting the participant's needs.

➤ May not be requested without an approved Person-Centered Plan. If integrated programs or activities are available to the public, free, or at a lower cost, they must be accessed first.

➤ IFDGS includes:

- Fitness items purchased at retail stores, up to \$1,000. (NEW)
- Items related to the person's disability, recommended by a medical professional, and not covered by health insurance.
- Dental services recommended by a licensed dentist and not covered by health insurance, such as dental anesthesia and denture services.

➤ IFDGS does not include:

➤ Common household expenses (e.g., cable tv subscription)

➤ Items/services purchased prior to DDA approval.*

➤ Tickets, memberships, and related costs for recreational activities and events, such as museums, zoos, bowling, and indoor skydiving.

➤ Programs and activities that are exclusive for individuals with disabilities are not covered.

Day-to-Day Administrative Supports – as described by the Self-Direction Act of 2022 and the current waiver

SELF-DIRECTION ACT OF 2022

“A budget for self-directed services that provides the ability to *use funds from the recipient’s approved annual budget* for the purpose of funding at least one position to assist the recipient in **managing the recipient’s home, staff, and other administrative duties and *pay administrative expenses*** needed to operate the recipient’s plan of service, **including Internet service and office equipment.”**

CURRENT WAIVER

“Day to day administrative supports which include **assistance with all aspects of household and personal management** essential to maintain community living, including support with scheduling and maintaining appointments and *money management.*”



Day-to-Day Administrative Supports in this DDA Proposed Waiver Amendment (New)



This service provides assistance with household management and scheduling medical appointments.

- Limited to 10 hours per month
- Legal Responsible Person/Guardian - may not be paid to provide this service
- Providers of this service are limited to 40 hours per week total
- Participant must be 18 years or older and unable to perform the role independently.
- Support Broker Services required when any person provided Day-to-Day Administrative Supports.
- Individuals may not provide any other Medicaid waiver program service to the participant.

This services does not include:

- Making payments and/or financial management.
- Approving and signing timesheets or vendor/provider invoices for waiver services.
- Tasks which can be provided by Personal Supports staff (budgeting/money management, maintaining a home (e.g. cleaning out refrigerator, ensuring paper products, etc.), meal preparation, personal care, house cleaning/chores, laundry, and overnight supports.
- Tasks which can be provided by Support Brokers or Personal Supports staff or other team members, such as staffing and cleaning schedules or assistance with human resource requirements.

Day-to-Day Administrative Supports recommendations from SDAN to the Waiver Advisory Council Subcommittee

Faced with a determined effort to eliminate Day-to-Day Administrative Support hours and based on input from persons with lived experience and families. Looking back at extensive discussions of the legislative workgroup that was the basis for the SD ACT, SDAN made the following recommendations:

- Create a decision tree tool to determine the number of administrative hours each individual participant requires and identify resources to most effectively meet the need.
- Maintain service availability at **no less than 15-20 hours per WEEK.**
- Preserve the ability of participants *living in their family home* to hire a parent/legal guardian to provide this service for up to one-year, enabling them to define the job description and prepare to hand the role off to someone else.
- Create accessible resources and supports for people with lived experience as they learn to independently management their own daily lives and waiver services, as they choose.
- Remove Day-to-Day Administrative Supports from IFDGS and make it not subject to a cap.

NOTE: The DDA cites the \$7 million legislative allocation to fund Day-to-Day Administrative services as the basis for its 10-hour per month limit.

SDAN proposed a “decision tree” as a tool for participants and their team identify the unique administrative needs of the participant *to support, not limit, administrative hours:*

The “decision tree” would support development of a Day-to-Day Administrator job description and duties, quantify how many hours would be necessary, and determine if the participant had sufficient “cost savings” remaining in their budget to access this administrative cost component of the LTSS rate.

- ✓ What, if any, of these needs does the participant wish to manage themselves? (as voiced by the participant)
- ✓ What, if any, education or training would the participant want or need to manage any or all of the administrative tasks themselves? (This was specifically requested by a self-advocate on the Waiver Advisory Council.)
- ✓ What, if any, of the identified administrative needs does the participant have unpaid support?
- ✓ What, if any, of the identified administrative needs can be met by participant and/or their existing employees?
- ✓ What, if any, of the identified administrative needs can be met by the Support Broker?
- ✓ What, if any, of the identified administrative needs can be met by the Coordinator of Community Services?
- ✓ What unmet administrative needs remain?

And finally...



- **One Waiver**—Community Supports and Family Supports Waivers are merging into the Community Pathways waiver.
- **Case Resolution Conferences (CRC)**—appears to be unavailable for appeals related to Person-Centered Plans; now limited to waiver eligibility decisions only.
- **“Unless otherwise authorized by the DDA”** removed throughout.
- DDA may involuntarily terminate a participant’s enrollment in the Self-Directed Service model **for overutilization of authorized services.** (The term “overutilization” has not been defined.)

How to submit your PUBLIC COMMENT to the DDA

SDAN encourages all stakeholders to submit public comment on any topics that are important to you. Comments do not have to follow a certain format or template; your own words are often the most effective of all. While we're not optimistic for substantial changes from this DDA, the more advocates raise the same concern, the stronger message comes across:

- Changes presented today are still proposals, they are not requirements at this time.
- SDAN will distribute its public comment to members on July 1st.
- The DDA is accepting public comment through Tuesday, July 8, 2025, 11:59 PM.
- Comments may be emailed to wfb.dda@maryland.gov or snail-mailed to **DDA Federal Programs, 201 West Preston Street, 4th Floor, Baltimore MD 21201**.
- Within 2-4 weeks, the state is expected to review, summarize, and share the comments and its decision publicly. It will also finalize and submit the amendment to the Center for Medicare and Medicaid Services (CMS).
- If approved, the amendment is schedule to go into effect on October 6, 2025.

How to submit your PUBLIC COMMENT directly to the Center for Medicare and Medicaid Services (CMS) too.

You can also submit your public comment directly to CMS — *especially if you believe the state’s process was flawed, ignored your input, or the amendment violates federal rules or civil rights.*

Email: medicaid_waivers@cms.hhs.gov

1. **Subject Line:** Public Comment - Maryland 1915(c) Community Pathways Amendment #3 2025 Proposal
2. **Introduction:** State who you are and why you’re writing.
3. **Waiver Info:** Repeat the name of the waiver (Maryland 1915(c) Community Pathways Amendment #3 2025) in your message.
4. **State Your Concerns:** Why the amendment is harmful or unlawful. If the state failed to provide proper public input or transparency.
5. **State Your Request:** You can ask the CMS to deny or delay approval, require more stakeholder input, enforce compliance with the Americans with Disabilities Act, Olmstead Law, or CMS regulations.
6. **Sample Opening:** Dear CMS Waiver Review Team, I am submitting public comment on Maryland’s proposed amendment to the Community Pathways waiver. I am concerned that the proposed changes limit access to self-directed services and were developed without meaningful stakeholder engagement. These changes may violate the intent of the Self-Direction Act and the ADA’s integration mandate.
7. **Best Time to submit:** Within CMS’s 90-day review period *after the state submits the amendment.* Even late comments can help flag compliance or civil rights issues.

Resources and Information on the waiver and Self- Direction



[DDA's Waiver Amendment Website](#)

[DDA Services Manual](#)

[Self-Direction Act of 2022*](#)

**prohibition on an IFDGS cap has been removed*

[Medicaid: Self-Directed Services](#)

[CMS Waiver Application Portal](#)

[CMS National Overview of 1915\(c\) Waivers](#)

[DDA Policy Stat](#)

COMMENTS?

QUESTIONS?

Help inform SDANs public comment!

Please put your concerns and questions in the chat box. If you are unable to do so, use the “raise your hand” option.

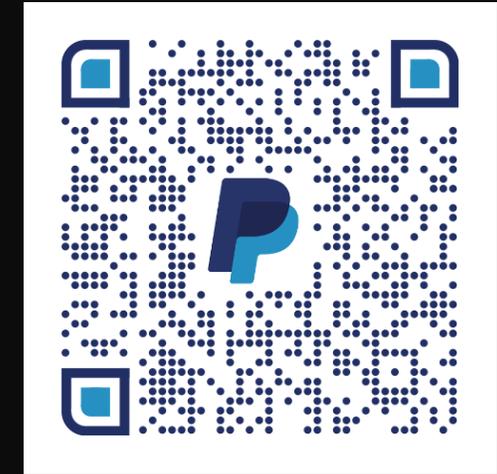
We’re still figuring this one out, so we will refrain from answering questions that we’re not sure about.

Please feel free to email any private/sensitive information to info@marylandsds.org

The logo for SDAN (Self-Directed Advocacy Network of Maryland, Inc.) features the letters S, D, A, and N in a large, bold, sans-serif font. Each letter is filled with a pattern of yellow, black, and maroon colors, resembling a stylized flag or abstract design.

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Thank you!



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