
FOR IMMEDIATE RELEASE

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Marylanders with intellectual and developmental disabilities file class action lawsuit against Maryland Department of Health for arbitrarily terminating Medicaid benefits and services.

Plaintiffs allege that the State's system for making Medicaid eligibility determinations is dysfunctional, violates due process, and has placed more than 18,000 Marylanders with intellectual and developmental disabilities at risk of losing critical supports.

Montgomery County, MD – Four adults supported by The Arc Montgomery County today filed a class action complaint in the Circuit Court for Montgomery County against the Maryland Department of Health (MDH), MDH Secretary Meena Seshamani, and the State of Maryland for failing to maintain a functional system for determining Medicaid eligibility for people with intellectual and developmental disabilities (IDD), resulting in the arbitrary and unlawful termination of benefits and services for people with IDD across Maryland. Since the end of the COVID-19 public health emergency in May 2023, MDH has been required to confirm, or “redetermine,” the Medicaid eligibility of all people with IDD who participate in Maryland’s Medicaid waiver programs, but the State’s system for making these redeterminations is wholly dysfunctional. Since May 2023, hundreds of Marylanders with IDD have been erroneously disenrolled from essential programs in which they have long participated without proper notice, a meaningful opportunity to be heard, or a reasoned decision from MDH. Plaintiffs allege these failures violate the due process guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights, as well as federal and state Medicaid law.

The Arc Montgomery County, Inc., which provides housing and other supports to the individual plaintiffs, joins the lawsuit in a separate claim against MDH for breach of contract. Plaintiffs are represented by attorneys Kevin Docherty, Joshua Auerbach, and Neel Lalchadani of Brown, Goldstein & Levy, LLP.

Intellectual and developmental disabilities include diagnoses such as Down syndrome, autism spectrum disorders, cerebral palsy, and other conditions that manifest before age 22 and result in substantial functional limitations in major life activities.

MDH administers Medicaid in Maryland, which is sometimes referred to as the Maryland Medical Assistance. In addition to basic healthcare, Medicaid funds supports for people with IDD that include housing assistance, assistance with activities of daily living, and on the job supports. These supports

are provided through “waiver programs” overseen by the Developmental Disabilities Administration, a separate unit of MDH. Waiver programs are intended to empower individuals with IDD to live and participate in their communities.

Since the end of the COVID-19 public health emergency in May 2023, MDH has unlawfully disenrolled hundreds of Marylanders with IDD from the waiver programs that support them. Many of those disenrolled have participated in the programs for decades.

At least thirty people with IDD who are supported by The Arc Montgomery County, including the individual plaintiffs, have been disenrolled during redetermination despite their continued financial eligibility for Medicaid. MDH took these actions without giving effective notice or a meaningful explanation, routinely sending notices to the wrong address, and mailing out hundreds of termination notices citing, as the basis for termination, a regulation that does not exist. More than 18,000 Marylanders with IDD participate in DDA waiver programs. All participants in these programs are at risk for the same lawless termination of benefits and services.

MDH has also broken promises to organizations like The Arc Montgomery County that support people with IDD. These organizations enter into provider agreements with MDH that require MDH to comply with applicable laws and regulations and to reimburse them for services provided to people with IDD. Since January 2024, The Arc Montgomery County has provided more than \$9 million in services to people with IDD, without reimbursement from MDH.

“Advocacy is not just a core value at The Arc Montgomery County—it’s our driving force,” said Daria Cervantes, CEO of The Arc Montgomery County. “We stand with our co-plaintiffs and all Marylanders with intellectual and developmental disabilities in this fight to secure the rights and benefits to which they are entitled.”

“The breakdown of Maryland’s Medicaid redetermination process threatens to have a disastrous impact on Marylanders with intellectual and developmental disabilities,” said Kevin Docherty, partner at Brown, Goldstein & Levy. “Brown Goldstein & Levy is proud to work with the individual plaintiffs and The Arc Montgomery County to ensure that the State conducts Medicaid redeterminations with the due process required by law so that Marylanders with IDD can continue receiving the supports they need to be active participants in their communities.”

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About The Arc Montgomery County, Inc.

The Arc Montgomery County, Inc. is a 501(c)(3) charitable organization that provides daily direct support services to people with intellectual and developmental disabilities. The Arc’s mission is to connect people of all ages and abilities with their communities to build inclusive and fulfilling lives. The Arc offers services including residential services, childcare, community living support, work skills training and employment-related support, support for retirees and seniors, and respite coordination for caregivers. [Learn more about The Arc Montgomery County here.](https://www.TheArcMontgomeryCounty.org)



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