

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-28373

Issue No: 2001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 12, 2010

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on May 12, 2010. Claimant was represented by [REDACTED].

ISSUE

Whether the department properly determined claimant's eligibility for Medical Assistance (MA).

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On or about January 13, 2009, claimant applied for MA and retroactive MA.
- (2) The department delayed processing claimant's application until on or about April 2010.

(3) As of the date of hearing (5-12-10) the department has not placed authorization in its computer system to authorize coverage for claimant's eligible months.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The local office must do all the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

Bridges Administrative Manual (BAM) 105; 42 CFR 431, 435; MCL 400.60(2).

The department is to certify program approval or denial within 90 days for MA categories in which disability is an eligibility factor. The standard of promptness (SOP) can be extended 60 days from the date of deferral by the Medical Review Team (MRT). BAM 115; 42 CFR 431, 435.

In this case, claimant applied for Medical Assistance and, as department testified at hearing, the application was not processed until April 2010. According to the department witness, the department has requested that claimant's eligibility be placed on the computer system so that claimant may have her medical creditors submit bills to the department for payment and she may be reimbursed for payments she has made to medical creditors. However,

this has not been taken care of. The department witness cited the department's rule that authorizations for Medical Assistance cannot be entered for dates earlier than one year before time of entry. In this case, the delay was solely due to the department's delay for which no legitimate reason was offered at hearing. Accordingly, the department cannot rely on its own "one year" rule to delay any further this claimant's eligibility authorization. Therefore, the department has not met its burden of proof and its action cannot be upheld. Finding of Fact 1-3.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate and complete authorization of claimant's eligibility for Medical Assistance in compliance with department policy and this Decision and Order. Claimant shall be informed in writing of the department's action when it is completed.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 5, 2010

Date Mailed: June 7, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JAB/db

cc:

