

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

BY: Lynette Blavat, POA

Reg. No: 2009-4037
Issue No: 2019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2009
Menominee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an in-person hearing was held on March 31, 2009 in Menominee. Claimant resides in a long-term care center and was unable to appear. Claimant was represented by [REDACTED].

The department was represented by Christina Curry (ES).

ISSUE

Did the department correctly compute claimant's patient pay amount (PPA) for November 2008?

FINDINGS OF FACT

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

(1) Claimant is a current MA-LTC recipient. He has resided at a long-term care facility in [REDACTED], since 2004.

(2) Claimant's current PPA is [REDACTED] per month.

(3) On October 2008, the caseworker reviewed claimant's eligibility and increased claimant's PPA to [REDACTED].

(4) The November MA-LTC budget shows the following:

PERSONAL NEEDS:

Employer disability benefits-- [REDACTED];

RSDI payments-- [REDACTED];

Net income-- [REDACTED]

PERSONAL NEEDS:

Personal needs-- [REDACTED];

Health insurance premiums-- [REDACTED];

Community spouse allowance-- [REDACTED];

Family/dependents allowance-- [REDACTED];

Total needs-- [REDACTED].

Patient pay amount (income minus total needs)-- [REDACTED].

(5) On October 15, 2008, the caseworker sent claimant written notice (approval) of his MA-LTC coverage for November 2008. Claimant's coverage was approved subject to a patient pay amount of [REDACTED].

(6) On October 15, 2008, claimant requested a hearing. The proposed negative action (implementation of the [REDACTED] patient pay amount) was suspended pending the outcome of the hearing.

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 post-eligibility PPA is **total income** minus total need.

Total income is the client's countable unearned income plus his remaining earned income. PEM 546.

A review of the department's policy, as stated above shows that the department correctly computed claimant's November 2008 patient pay amount.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly calculated claimant's patient pay amount for November 2008.

Accordingly, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 8, 2009

Date Mailed: April 8, 2009

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.

JWS/tg

cc:

