

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
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IN THE MATTER OF:

Docket No. 2009-19222 MHF

██████████,

Appellant

_____ /

DECISION AND ORDER

This case is before the State Office of Administrative Hearings and Rules for the Department of Community Health for the Department of Community Health pursuant to the provisions of MCL 330.1834 and Chapter 4 of the Administrative Procedures Act of 1969, as amended, MCL 24.271 *et seq.*

After due notice, a hearing was held on ██████████. ██████████ represented himself. ██████████, appeared as a witness and testified on behalf of the Appellant.

██████████ at the ██████████ represented the Department of Community Health. ██████████ provided testimony on behalf of the Department of Community Health.

ISSUE

Did the Department properly determine the Appellant's ability to pay for inpatient services?

FINDINGS OF FACT

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

1. The Appellant was admitted to the ██████████ on ██████████.
2. The Appellant requested to and did withdraw money from a bank account

following admission to the facility.

3. The Appellant was interviewed on the 61st day of his stay at the facility regarding his financial resources. The Appellant informed the hospital staff he had no intention of paying for his stay and would not otherwise disclose his financial status to the staff members at that interview.
4. The Appellant did have a cashier's check for an amount in excess of ██████████ sent to him at the facility on ██████████. The account had not been disclosed to the facility by the Appellant.
5. The amount of the Appellant's assets are unknown as of the date of hearing.
6. The ██████████ reimbursement staff sent the Appellant notification that the Financial Liability Determination was complete and notifying him that the Determination found Appellant's ability to pay was for full cost.
7. The staff's determination the Appellant was to pay the full cost of his stay was based upon his failure to disclose his financial status at he 61 day interview.

CONCLUSIONS OF LAW

Section 802 of the Michigan Mental Health Code, being MCL 330.1802; MSA 14.800(802), establishes financial liability for mental health services provided by the Michigan Department of Community Health. Specifically, MCL 330.1804(1) states:

A responsible party is financially liable for the cost of services provided to the individual directly by or by contract with the department or a community mental health services program.

MCL 330.1800(j) defines responsible party as:

a person who is financially liable for services furnished to the individual. Responsible party includes the individual and, as applicable, the individual's spouse and parent or parents of a minor.

The Department witness testified that he conducted a financial ability to pay for inpatient psychiatric services of greater than 61 days as required under MCL 330.1819. Section one of MCL 330.1819 states:

(1) The department or a community mental health services program shall determine an adult responsible party's ability to pay for residential services and inpatient services other than psychiatric inpatient services of less than 61 days by taking into consideration the adult responsible party's total financial circumstances, including, but not limited to, income, expenses, number and condition of dependents, assets, and liabilities.

The Department witness said he was unable to take into consideration the assets, income and liabilities of the Appellant due to his failure to disclose his bank accounts or other assets he may have. He stated the Appellant was not cooperative with the interview regarding his financial status.

Section 822 of the Michigan Mental Health Code, being MCL 330.1822; MSA 14.800(822), requires all responsible parties to make:

. . . available to the Department or Community Mental Health Services Program any relevant financial information that the department or community mental health services program is not prohibited by law from seeking and obtaining, and that the Department or Community Mental Health Services Program deems essential for the purpose of determining ability to pay. Willful failure to provide the relevant financial information may result in a determination of ability to pay up to the full cost of services received by the individual.

The Appellant stated during hearing both that he had disclosed the fact of a bank account and that he had no intention of paying for his stay or cooperating with the staff relative to his financial status. He asserted the check he was sent from the bank, in the excess of ██████████ was the last of his money and he had no other means.

The Department is required to follow state law. Therefore, the Department properly made a financial ability to pay determination for the Appellant based upon his failure to disclose his financial assets at his interview. It cannot be known what assets he may still have with out his cooperation. He was not forthcoming at the interview. His testimony at hearing that he has no other money cannot be found reliable by this ALJ, given that he has had a cashier's check for over ██████████ mailed to him. The Department witness properly determined the Appellant was not cooperative and properly found him liable for the full cost of his stay.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly determined the Appellant's ability to pay for inpatient psychiatric services.

IT IS THEREFORE ORDERED that:

The Department's decision is **AFFIRMED**.

[REDACTED]
Docket No. 2009-19222 MHF
Decision & Order

Jennifer Isiogu
Administrative Law Judge

cc:

[REDACTED]

Date Mailed: 6/18/2009

***** NOTICE *****

The Appellant may appeal the above Decision and Order to the probate court for the county in which he/she lives. The Appellant's appeal to the probate court must be within 60 days from the date of the Decision and Order.