

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: 2009-22207

Issue No: 2026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 28, 2009

Washtenaw 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, an in-person hearing was held on July 28, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) During February 2009 through June 2009, claimant was receiving MA with a monthly deductible and Food Assistance Program (FAP) benefits.

(2) May 20, 2009, claimant reported that during February 2009, claimant was hospitalized incurring medical costs of [REDACTED] for medical tests and [REDACTED] for physician services. Claimant A.

(4) The department authorized MA for the hospital stay of February 2009, assigning claimant's deductible as her hospital patient pay amount.

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).

In this case, claimant incurred hospital bills for the month of February, reported them in May, and the department authorized coverage some time after that. The dispute, according to claimant's representative at hearing, is that February hospital bills reported in May were "old bills" that should have been used to offset claimant's monthly deductibles. This view is not consistent with department policy that states when adding MA coverage to for a month having a hospital, LTC, or post-eligibility PPA:

- The begin date of the PPA is the first day of the month or the hospital admission date/LTC admission date, whichever is later.
- The end date is the hospital discharge date/LTC discharge date or the last day of the month, whichever is earlier.

Program Eligibility Manual (PEM) 547; 42 CFR 435.725, .726 and .832; 42 CFR 456

Thus claimant met her February deductible when she incurred, timely reported, and timely verified the hospital bill. Payment of the hospital bill was authorized with the February deductible established as claimant's hospital patient pay amount. Accordingly, the only medical expense claimant had from February was her February deductible. Payment and/or responsibility for a deductible from one month can not be used to meet a deductible for any other month. Accordingly, there are no "old bills" from February to be carried forward to other months. Finding of Fact 1-4.

Regarding claimant's Food Assistance Program (FAP) benefits: claimant listed FAP as an issue on her hearing request. No party at the hearing offered testimony regarding an error or dissatisfaction with FAP. Accordingly, the FAP hearing request is dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for Medical Assistance benefits.

Accordingly, the department's action is HEREBY UPHELD. Claimant's request for hearing on FAP benefits is dismissed.

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

Date Signed: September 18, 2009

Date Mailed: September 22, 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.

JAB/db

cc:

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