

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.: 2009-3333
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 28, 2009
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 28, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance coverage effective October 31, 2008?

FINDINGS OF FACT

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

1. In April 2008, the Claimant, who was pregnant, submitted an application for Medical Assistance.
2. The Claimant was approved for benefits under the Healthy Kids for Pregnant Women ("Healthy Kids") Medical assistance program.

3. The Claimant's child was born on [REDACTED].
4. On October 2, 2008, the Department sent the Claimant a Notice of Case Action, informing her that her Medicaid coverage would cancel effective October 31, 2008.
(Exhibit 1a)
5. On October 9, 2008, the Department received the Claimant's written hearing request.
(Exhibit 1b)

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, formally known as the Family Independence Agency, 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 goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM 105, p. 1 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

Healthy Kids for pregnant women is a FIP-related Group 1 MA category. PEM 125, p. 1
This program is available to a woman while she is pregnant and during the two calendar months following the month the pregnancy ends, regardless of the reason. *Id.*

In this case, the Claimant was approved coverage under the Healthy Kids program during her pregnancy and for two months after the child was born. During the hearing, the Claimant asserted that submitted medical records had not been paid from February and March of 2008, however, it was unclear whether the Claimant had other coverage or even whether there had been a refusal by the Department of Community Health to pay. Ultimately, the Claimant's hearing request protested the cancellation of the coverage only. Under these facts, the Department established it acted in accordance with Department policy when it cancelled the Claimant's Healthy Kids coverage effective two months following the pregnancy's end. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it terminated the Claimant's Medicaid coverage.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/02/09

Date Mailed: 06/02/09

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.

CMM/jlg

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