

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

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IN THE MATTER OF:

██████████,

Appellant

_____ /

Docket No. 2010-19021 HHS
Case No ██████████

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. ██████████ appeared on behalf of the Appellant. His witness was ██████████, appeals review officer, represented the Department. Her witness was ██████████, ASW.

ISSUE

Did the Department properly request overdue provider logs from the chore provider?

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 is an ██████████ Medicaid beneficiary who resides at home. (Appellant's Exhibit #1)
2. The Appellant has numerous afflictions and requires numerous home help services. (See Testimony of Appellant)
3. Appellant's representative testified that he brought his appeal of behalf of the Appellant because he did not understand how to fill out the provider logs. (See Testimony)
4. The Appellant acknowledged [on the record] that the requested logs were sent to the Department. (See Testimony)
5. The Appellant filed his petition in response to the Department's negative action dated ██████████. (Department's Exhibit A, p. 4)

6. The instant request for hearing was received by SOAHR on ██████████
██████████. (Appellant's Exhibit #1)

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Home Help Services (HHS) are provided to enable functionally limited individuals to live independently and receive care in the least restrictive, preferred settings. These activities must be certified by a health professional and may be provided by individuals or by private or public agencies.

The Department of Human Services Adult Services Manual sets forth the requirements for the provision and accurate completion of provider logs:

Personal Care Services Provider Log

Each provider must keep a log of home help service provided. The DHS- [721](#) is used for this purpose.

Indicate on the log which tasks the provider is approved to do based on the client's HHS plan.

The provider must indicate what services were provided and on which days of the month.

The client and the provider must sign the log when it is completed to verify that the services approved for payment were delivered.

The log must be submitted to the local office at least quarterly.

The adult services worker must initial and date the log upon receipt.

Retain the log in the client's case record.

A separate log is required for each provider.

Other types of logs such as billings for services by agencies are acceptable in lieu of the DHS-721. Each bill must specify the service provided and the date(s) of service.

Adult Service Manual (ASM) 363, September 1, 2008, page 18 of 24.

The Department's witness testified that she sent a negative action notice to the Appellant requesting overdue provider logs. She said the logs were received following proper notice and that the Appellant suffered no loss of Home Help Services.

The Appellant testified that he was unclear about how to complete the provider logs.

On review the Department properly noticed the Appellant regarding overdue provider logs. The Appellant failed to preponderate his burden of proof.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly requested over due provider logs from the Appellant.

IT IS THEREFORE ORDERED that:

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

Dale Malewska
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:



Date Mailed: _____

***** NOTICE *****

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