

**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. 2010-32430 HHS

Case No. [REDACTED]

[REDACTED],

Appellant

_____ /

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 [REDACTED]. [REDACTED] appeared on his own behalf. [REDACTED], Appeals and Review Officer, represented the Department. [REDACTED], Adult Services Worker, and [REDACTED], Adult Services Supervisor, were present as Department witnesses.

ISSUE

Did the Department properly terminate the Appellant's Home Help Services case?

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 has been receiving Home Help Services since [REDACTED]. (Adult Services Worker Testimony)
2. The Appellant's case was due for an annual review in [REDACTED]. (Adult Services Worker Testimony)
3. On [REDACTED], after sending a Home Call Letter giving notice of the appointment, the Adult Services Worker attempted to conduct a home visit, but the Appellant was not home. (Adult Services Worker Testimony and Exhibit 1, page 4)
4. On [REDACTED] the Adult Services Worker sent another Home Call Letter informing the Appellant that a home visit was scheduled for [REDACTED] (Adult Services Worker Testimony and Exhibit 1, page 4)

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5. On [REDACTED] the Adult Services Worker attempted to conduct the scheduled home visit, but the Appellant was not home. (Adult Services Worker Testimony and Exhibit 1, page 4)
6. On [REDACTED] the Department sent the Appellant an Advance Negative Action Notice indicating his Home Help Services case would terminate effective [REDACTED] unless he contacted the Adult Services Worker and scheduled a time to complete the review. (Exhibit 1, pages 7-9)
7. On [REDACTED] a third face to face contact was scheduled but the Appellant did not call or show. (Exhibit 1, page 4)
8. On [REDACTED] the Department sent the Appellant an Advance Negative Action Notice indicating his Home Help Services case was terminated due to noncompliance with the caseworker. (Exhibit 1, pages 4-6)
9. On [REDACTED] the State Office of Administrative Hearings and Rules received the Appellant's Requests for Hearing. (Exhibit 1, page 3)

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.

Adult Services Manual (ASM 362 and 363), addresses Home Help Services reviews:

CONTACTS

The worker must, at a minimum, have a face to face interview with the client **and** care provider, prior to case opening, then every six months, in the client's home, at review and redetermination.

Adult Services Manual (ASM 362), 12-1-2007 Page 3 of 5.

COMPREHENSIVE ASSESSMENT

The Adult Services Comprehensive Assessment (FIA-324) is the primary tool for determining need for services. The comprehensive assessment will

be completed on all open cases, whether a home help payment will be made or not. ASCAP, the automated workload management system provides the format for the comprehensive assessment and all information will be entered on the computer program.

Requirements for the comprehensive assessment include, but are not limited to:

- A comprehensive assessment will be completed on all new cases.
- A face-to-face contact is required with the client in his/her place of residence.
- An interview must be conducted with the caregiver, if applicable.
- Observe a copy of the client's social security card.
- Observe a picture I.D. of the caregiver, if applicable.
- The assessment must be updated as often as necessary, but minimally at the six-month review and annual redetermination.
- A release of information must be obtained when requesting documentation from confidential sources and/or sharing information from the department record.
- Follow specialized rules of confidentiality when ILS cases have companion APS cases.

REVIEWS ILS cases must be reviewed every six months. A face-to-face contact is required with the client, in the home. If applicable, the interview must also include the caregiver.

*Adult Services Manual (ASM 363), 9-1-2008,
Pages 2 and 6 of 24*

In the present case, the Adult Services Worker testified that the Appellant's Home Help Services case was due for an Annual review in ██████████. She explained that she made three attempts to complete the required home visit before sending the ██████████ Advance Negative Action Notice terminating services. The submitted documentation shows two home visits were scheduled, the first on ██████████ and the second on ██████████ (Exhibit 1, page 4). A third face to face contact was also scheduled for ██████████ for which the Appellant did not call or show. (Exhibit 1, page 4)

The Appellant testified that he was not available for the home visit because he left to care for his ill son at the child's mother's home. The Appellant explained he was gone for two or three weeks and did not check his mail in time to respond to the home call letters prior to the scheduled home visits. The Appellant was not able to recall the dates

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he gone was caring for his son and reported the illness was a bad cold. The Appellant acknowledged that after he returned home, he set up another appointment with the Adult Services Worker. The Appellant testified that he missed this appointment because he could not find a ride to get there.

Upon review of the evidence in this case, the Adult Services Worker made reasonable attempts to contact the Appellant to conduct the required home visit. The Appellant did not inform the Department that he was living at another address for several weeks or provide an alternate way for the Department to contact him during that time. Although the Appellant set up a third appointment, he failed to call the Department to let them know he had a transportation problem and would not be able to attend nor did he contact the Department to request re-scheduling of the appointment. The Department's determination to terminate the Appellant's Home Help Services case is upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly terminated the Appellant's Home Help Services case.

IT IS THEREFORE ORDERED that:

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

Colleen Lack
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:



Date Mailed: 7/16/2010

***** 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.