

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

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IN THE MATTER OF

**Docket No. 2010-15615 CMH
Case No. 21255763**

Appellant

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 upon the Appellant's request for a hearing.

After due notice, a hearing was held on _____, _____, Appellant's father, appeared on behalf of the Appellant. _____, _____, represented the Department's agent, _____ (CMH).

There are no facts in dispute in this matter. At the outset of the hearing this Administrative Law Judge asked the Appellant's representative for clarification of reason for request for hearing. The Appellant's representative testified that he was not contesting the termination of fiscal intermediary services; rather he was protesting the manner in which the termination of Appellant's self-determination agreement was conducted.

During the hearing this Administrative Law Judge explained that a right to hearing exists where a Medicaid-covered service is denied, suspended, terminated or reduced. *Code of Federal Regulations, 42 CFR 438.400*. The termination of fiscal intermediary services, a Medicaid-covered service, merits a right to Medicaid fair hearing but is not the issue contested by Appellant.

Because the issue the Appellant wished to address did not fall within the federal regulation rights to a Medicaid fair hearing, the Administrative Law Judge lacks jurisdiction to address the manner in which the termination of Appellant's self-determination agreement was conducted. A decision and order was developed to clarify the request for hearing issue and to avoid confusion. The Appellant's representative indicated he is pursuing a recipient rights complaint regarding the manner in which the termination of Appellant's self-determination agreement was conducted.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that CMH's decision to terminate fiscal intermediary services was proper and that Appellant's recipient rights complaint is outside the jurisdiction of a Medicaid fair hearing.

IT IS THEREFORE ORDERED that

The Department's decision to terminate fiscal intermediary services is **AFFIRMED**.

Lisa K. Gigliotti
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:

[REDACTED]

Date Mailed: 02/23/2010

***** 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.