

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: 2010-17424
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2010
Gogebic County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

ORDER OF DISMISSAL

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, a telephone hearing was held on August 12, 2010. Claimant is deceased. Appearing on claimant's behalf was her daughter [REDACTED].

Claimant's hearing request was filed on November 5, 2009, contesting a Medicaid (MA) deductible amount determined by the department. Claimant is deceased as is her spouse. Departmental policy states that only a spouse may be an authorized hearing representative for a deceased claimant. BAM 600. Claimant's daughter therefore cannot be an authorized hearing representative, and has no right to a hearing on behalf of the claimant.

[REDACTED] stated that her mother was alive when the hearing request was filed, and her frustration with the fact that the hearing took some time to schedule is understandable, however unavoidable due to large number of hearing requests received by SOAHR. The Administrative Law Judge however did spend some time discussing [REDACTED] issues with her mother's MA

case in an attempt to have such issues explained to her satisfaction. This discussion revealed that the claimant went into a nursing home in November, 2009 and was there until her death in March, 2010. Claimant's Medicare paid for her nursing home care for 90 days, through January 29, 2010. Nursing home charged the claimant for her care for 2 days remaining in January, 2010, amount somewhat under \$400. Claimant's patient pay amount was around \$1600 per month and claimant was therefore responsible for payment of her nursing home care for two days in January, 2010. Patient pay amount is a figure derived at by adding countable income of a person, deducting Medicare and any other health care premiums, and also deducting patient allowance of \$60 from any such income. A person's income remaining after such deductions is their patient pay amount, an amount they are responsible for paying for their nursing home care before Medicaid pays the remainder of such costs for any particular month. BEM 546.

██████ does not dispute the patient pay amount but objects to the nursing home not letting her know ahead of time of the amount the claimant would have to pay for January, 2010. The Administrative Law Judge pointed out to ██████ that her mother had total monthly income of \$2180 per month, before Medicare and ████████████████████ premium payments. ██████.

██████ responds that the claimant's monthly income (none of which was used for her nursing home care for 90 days that Medicare paid for this care) was used to upkeep her home, just in case she returned to it. ██████ issue is not with DHS actions, as her allegation that the nursing home did not let her know that the claimant would be responsible to pay around \$400 for her January, 2010 nursing home care is between her and the nursing home to address.

Claimant's hearing request is hereby DISMISSED in accordance with MAC 400.906.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 17, 2010

Date Mailed: August 18, 2010

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 mailing 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.

IR/tg

cc:

