

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-36093
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 12, 2010
Oakland County DHS (4)

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 a hearing. After due notice, a hearing was held in Pontiac, Michigan on Monday, July 12, 2010. The Claimant did not appear however her authorized hearing representative, [REDACTED] of [REDACTED], [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with Department policy when it denied the Claimant's application for retroactive Medicaid for May of 2009?

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 Claimant's most recent public assistance application seeking food assistance ("FAP") and medical assistance ("MA") was received by the Department in January of 2009.
2. The Claimant is a FAP recipient.
3. The Claimant was found eligible for MA benefits provided she meet a \$1,053.00 monthly deductible. (Exhibit 6)
4. The Claimant was hospitalized in May of 2009. (Exhibit 2)

5. In June of 2009, the Department performed the semi-annual review of the Claimant's FAP benefits.
6. On September 10, 2010, the Department received the Claimant's/Representative's request for retroactive MA benefits for the May 2009 hospitalization. (Exhibits 3, 4)
7. The Department denied the request for retroactive MA benefits because the request was more than 3 months after the May 2009 hospitalization.
8. On October 27, 2009, the Department received the Claimant's written request for hearing. (Exhibit 1)

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, formerly 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

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. BEM 105 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.* MA income eligibility exists for the calendar month tested when there is no excess income or allowable medical expenses that equal or exceed the excess income. BEM 545 The fiscal group's monthly excess income is called a deductible amount. *Id.* Deductible is a process which allows a client with excess income to become eligible for Group 2 MA if sufficient allowable medical expenses are incurred. *Id.* Each calendar month is a separate deductible period. *Id.* The group must report expenses by the last day of the third month following the month it seeks MA coverage for. *Id.* Retro MA coverage is available back to the first day of the third calendar month prior to the most recent application (not redetermination) for FIP and MA recipients. BAM 115

In this case, the Claimant submitted an application for MA and FAP benefits in January of 2009. The Claimant was approved for both programs however the MA case required that the Claimant meet a deductible. In May, the Claimant was hospitalized. In June, as required by policy, the Claimant's FAP eligibility (not MA) was reviewed thus a new MA application was not submitted. On September 10, 2009, the Claimant/Representative submitted a Retroactive MA application to cover the May 2009 hospitalization. In order for the application to be timely, the request should have been submitted by August 31, 2009. This date was the last day of the third month following

the month coverage was sought, here May 2009. Further, the most recent MA application (not redetermination) was in January 2009 therefore the 3 month retroactive provision contained in BAM 115 would not apply to the May 2009 hospitalization. Under these facts, the Department established it acted in accordance with department policy when it denied the Claimant's September 10, 2009, Retro MA application. 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 that the Department acted in accordance with department policy when it denied the September 10, 2009 Retro MA application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: 07/14/2010

Date Mailed: 07/14/2010

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.

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cc:



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