

**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. 2010-37499 HHS

██████████

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 ██████████. ██████████, daughter, appeared on the Appellant's behalf. ██████████ was present. ██████████, Appeals Review Officer, represented the Department. ██████████, Independent Living Services Worker, and ██████████, Independent Living Services Supervisor, appeared as witnesses on behalf of the Department.

ISSUE

Did the Department properly terminate the Appellant's Home Help Services case due to not having full coverage Medicaid?

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 was a full coverage Medicaid beneficiary, who was receiving Home Help Services. (Exhibit 1, page 19)
2. The Appellant's Medicaid status changed from full coverage Medicaid to having a deductible effective ██████████. (Exhibit 1, page 7)
3. The Appellant's Medicaid deductible is ██████████ per month. (Exhibit 1, page 6)
4. The Appellant was potentially eligible for ██████████ per month in Home Help Services (HHS) payments. (Exhibit 1, page 9)
5. The Appellant's Medicaid deductible exceeds the amount of HHS payments she is potentially eligible for.

6. On [REDACTED], the Department issued an Advance Negative Action Notice informing the Appellant that her HHS would terminate effective [REDACTED], due to the Medicaid deductible. (Exhibit 1, page 4)
7. The Appellant's request for an administrative hearing contesting the termination of HHS payments was received on [REDACTED]. (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 physician and may be provided by individuals or by private or public agencies.

ELIGIBILITY FOR HOME HELP SERVICES

Home help services (HHS) are defined as those which the department is paying for through Title XIX (Medicaid) funds. The client must be eligible for Medicaid in order to receive these services.

Medicaid/Medical Aid (MA)

Verify the client's Medicaid/Medical aid status.

The client may be eligible for MA under one of the following:

- All requirements for MA have been met, **or**
- MA deductible obligation has been met.

The client must have a scope of coverage of:

- 1F or 2F, **or**
- 1D or 1K (Freedom to work), **or**
- 1T (Healthy Kids Expansion).

Clients with eligibility status of 07 (Income scale 2-Non MA) and scope of coverage 20 or 2B are **not** eligible for Medicaid until they have met their MA deductible obligation.

An ILS case may be opened (service program 9) to assist the client in becoming MA eligible. However, do **not** authorize HHS payment prior to the MA eligibility date. The

payment must be prorated if the eligibility period is less than the full month. To prorate, divide the monthly care cost by the number of days in the month. Then, multiple (sic) that daily rate by the number of eligible days.

Note: A change in the scope of coverage by the eligibility specialist (ES) will generate a DHS-5S for cases active to services programs 1, 7, and 9.

Adult Services Manual (ASM) 363, 9-1-2008 page 7 of 24.

Department policy requires a Home Help Services (HHS) participant to have full coverage Medicaid or have met the monthly Medicaid deductible in order to be eligible for the HHS program. The Appellant had been a full coverage Medicaid beneficiary who was receiving HHS. (Exhibit 1, page 19) The Appellant's HHS grant was ██████████ month. (Exhibit 1, page 17) The Appellant's Medicaid eligibility changed to having a monthly Medicaid deductible (spend-down) in the amount of ██████████ Exhibit 1, page 6)

The Independent Living Services (ILS) Worker testified that she terminated the Appellant's HHS case in accordance with the above cited policy because the Appellant's monthly spend down amount exceeds the potential HHS payment she would receive from the Department each month. However, the termination was effective ██████████, and the evidence indicates that the Appellant's Medicaid eligibility did not change to a spend down until ██████████ (Exhibit 1, pages 7-8) Most likely, this was due to updated information being entered in the Department's shared computer system by the Appellant's Medicaid eligibility worker after the ILS worker issued the Advance Negative Action Notice on ██████████. The screen print out of the Appellant's Medicaid benefit history shows that the eligibility information for the months from ██████████ forward was entered into the system on ██████████. (Exhibit 1, pages 7-8)

If HHS services were rendered to the Appellant for the month of ██████████, she is eligible for payment because the benefit history shows Medicaid with a qualifying scope of coverage, 2F, for that month. (Exhibit 1, pages 7-8) The evidence supports the Department's determination to terminate HHS effective ██████████, because the Appellant no longer had full coverage Medicaid with a qualifying scope of coverage, her monthly deductible amount of ██████████ exceeded her potential monthly Home Help Services grant of ██████████, and there was no evidence that she had met her monthly Medicaid deductible.

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 HHS case based upon the available information, but the effective date should have been ██████████.

[REDACTED]
Docket No. 2010-37499 HHS
Decision and Order

IT IS THEREFORE ORDERED that:

The Department's decision is **PARTIALLY REVERSED**. The HHS termination is affirmed effective [REDACTED]. If the Appellant received HHS services in [REDACTED], the Department is ordered to issue an HHS payment for that month.

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

CC:

[REDACTED]

Date Mailed: 8/24/2010

***** 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.