

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.: 2010-54290
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 2010
DHS County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on December 1, 2010. Claimant did not appear. [REDACTED], Claimant's brother and his Authorized Representative, who holds Power of Attorney for Claimant, appeared and testified on Claimant's behalf. [REDACTED], also appeared and testified on behalf of the Claimant. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly processed Claimant's Medical Assistance (MA or Medicaid) patient pay amounts (spend-down or co-pay)?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On June 14, 2010, Claimant applied for MA benefits with DHS.
2. Claimant was approved for MA with a spend-down of \$1,424 per month.
3. Claimant met the spend-down amount.
4. [REDACTED], which is the home health care company managing Claimant's records, failed to report that Claimant met his spend-down in a timely fashion.

5. As a result, Claimant was refused prescription medications at [REDACTED].
6. On June 24, 2010, Claimant filed a hearing request with DHS.
7. At the hearing, the parties agreed to settle their concerns by together contacting [REDACTED], to instruct her to supply DHS with spend-down information in a timely fashion.
8. As a result of this agreement, Claimant's Authorized Representative agreed that he no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). The manuals are available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties reached an understanding that Claimant's pharmacy denied services to him because it was not aware that the MA spend-down was met. DHS and Claimant's Authorized Representative agreed at the hearing to make a joint contact with the [REDACTED] to ask that she report to DHS in a timely fashion when the spend-down is met. Based on this agreement, Claimant agreed that it was not necessary to continue the administrative hearing process.

As the parties have reached a settlement agreement and resolved this matter, it is not necessary for the Administrative Law Judge to decide this case. I will therefore incorporate the stipulated agreement of the parties into this Order.

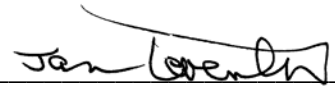
IT IS HEREBY ORDERED, based on the stipulated settlement agreement of the parties in this case, that DHS shall contact the health care manager, in the presence and with the participation of Claimant's Authorized Representative during the phone call, and

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direct the Benefits Coordinator to provide to DHS in a timely fashion the date on which Claimant fulfills his monthly MA spend-down payment requirement.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides and determines that IT IS ORDERED that the settlement agreement of the parties shall be the order of the Administrative Law Judge, as stated previously in this Decision.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 6, 2010

Date Mailed: December 7, 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.

JL/pf

cc:

