

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.: 2011-11318
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: February 10, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on February 10, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Medical Assistance (MA) benefits because Claimant was eligible for Medicaid subject to a deductible and had not met his deductible for three months.

FINDINGS OF FACT

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

1. Claimant was an ongoing MA benefit recipient.
2. On an unspecified date, DHS determined that Claimant was eligible for Medicaid subject to a \$1031/month deductible.
3. Claimant had not submitted any medical expenses to meet his deductible from 9/2010-11/2010.
4. On 12/1/10, DHS mailed a Notice of Case Action informing Claimant that his MA benefits would be terminated because Claimant had not met his deductible in the three prior months.

5. On 12/8/10, Claimant requested a hearing disputing the termination of his MA benefits.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

A recipient with excess income for ongoing Medicaid may still be eligible for Medicaid under the deductible program. Clients with a Medicaid deductible may receive Medicaid if sufficient allowable medical expenses are incurred. Each calendar month is a separate deductible period. The fiscal group's monthly excess income is called the deductible amount. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month. BEM 545 at 9. The client must report medical expenses by the last day of the third month following the month in which the group wants MA coverage. *Id.*

DHS is to redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months. BEM 545 at 9. If a group has not met its deductible in at least one of the three calendar months before that month and none of the members are QMB, SLM or ALM (Medicare Savings Programs which allow clients to have Medicare premiums paid by DHS) eligible, Bridges (the DHS database) will automatically notify the group of closure. *Id.*

In the present case, DHS terminated Claimant's ongoing Medicaid deductible case because Claimant had not met the deductible for the three prior months. All facts necessary to justify the closure were either established or not disputed. It is found that DHS properly terminated Claimant's MA benefits in 12/2010.

Claimant's primary concern was getting assistance with paying for dentures. The DHS specialist eloquently explained how Claimant could receive assistance by reapplying for MA benefits and, assuming Claimant is approved for a Medicaid deductible again, how Claimant can meet his Medicaid deductible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefits effective 12/2010. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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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