

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No:

201121721

Issue No:

6004

Hearing Date:

April 21, 2011

Lansing AH

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon petitioner's request for a hearing. After due notice, an in-person hearing was held on April 21, 2011. The department was represented by [REDACTED] for the Adoption Subsidy Program, non-attorney.

ISSUE

Did the Petitioner and the department come to an agreed upon settlement as to the psychotherapy bills and Petitioner's son's eyeglass warranty?

FINDINGS OF FACT

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

1. Petitioner is the adoptive parent of [REDACTED] whose date of birth is [REDACTED]
2. Petitioner/Mother was denied reimbursement for outpatient psychotherapy services.
3. On November 5, 2010, and February 24, 2009, the department two negative action letters. Exhibit A.
4. On November 17, 2010, Petitioner requested one of many hearings.

5. The record was held open in this matter to give the department an opportunity to reinvestigate/request an exception.
6. The Adoption Subsidy Office subsequently issued a memorandum to the undersigned Administrative Law Judge stating that the department agrees to pay for the outpatient psychotherapy services as well as the [REDACTED] eyeglass warranty pursuant to the dictates set forth herein.

CONCLUSIONS OF LAW

The Adoption Subsidy program is established by MCL 400.115, *et seq.*, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies regarding adoption subsidy are found in the Services Manual (SM). The federal law upon which Michigan law is based is Title IV-E of the Social Security Act, Section 473(c).

ADOPTION MEDICAL SUBSIDY PROGRAM

Adoption medical subsidy is intended to assist with paying for services related to the treatment of physical, mental, or emotional conditions certified by the Adoption Subsidy Program Office. State law makes it the payment of last resort (MCLA 400115h). Parents retain responsibility for making treatment arrangements for their child, seeking prior approval for services when required, and making payment arrangements with providers.

Adoption medical subsidy assists with medical, surgical, hospital and related expenses only for condition(s) certified by the Adoption Subsidy Program Office. Related expenses may include pharmaceutical expenses, prescriptions, medical supplies, or laboratory expenses.

Adoption medical subsidy assistance for psychological or mental health treatment may be approved for specific mental or emotional conditions that existed prior to the adoption of the **cause** of which existed prior to the adoption and that have been certified by the Adoption Subsidy Program Office.

The agreement set forth by the department and subsequently recognized by way of a letter to the undersigned Administrative Law Judge by Petitioner states as follows:

Pursuant to the administrative hearing held on April 21, 2011, a meeting was held with Karen Iverson, Program Manager for the Adoption Subsidy Program, to see if an agreement could be reached on three issues...Reimbursement for outpatient counseling...

- 1) Reimbursement for outpatient counseling—and an [REDACTED] is not required when the provider's statement includes dates of service, patient name, provider, service code, and the amount paid by the

insurance. This can be used to process payment for...[date of birth
[REDACTED] child.

- 2) Reimbursement of warranty frame coverage—the Adoption Subsidy Program will pay for the warranty frame co-ay of [REDACTED] for [adopted child's] frames.

MCL 24.278(2) allows for disposition to be made of a contested case hearing by stipulation or agreed upon settlement. Pursuant to the memorandums received by the undersigned Administrative Law Judge, the department's representative and Petitioner came to an agreed upon settlement. The terms of the settlement are set forth above.

DECISION AND ORDER

The Administrative Law Judge, based upon the agreed upon settlement, **ORDERS** the department to initiate the actions as set forth in the settlement as specified herein.

The department stipulated that it will process Petitioner's son's psychotherapy services bill, and,

The department stipulated that it would pay for the [REDACTED] warranty frame co-pay for this child's eyeglass frames (date of birth [REDACTED])

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 2, 2011

Date Mailed: August 3, 2011

NOTICE: The law provides that within 60 days of mailing of the above Decision and Order the claimant may appeal the Decision to the probate court for the county in which the petition for adoption was filed. If the adoptee is a resident of the State, the petition may be filed in the probate court for the county in which the adoptee is found. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Decision and Order, may order a rehearing.

JGS/db

cc: [REDACTED]

