

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201219256
Issue No: 2002
Case No: [REDACTED]
Hearing Date: January 10, 2012
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on Tuesday, January 10, 2012. Claimant personally appeared with her authorized representative, [REDACTED] from [REDACTED].

ISSUE

Was claimant's paid bill in October 2011 ongoing expense?

FINDINGS OF FACT

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

1. On November 21, 2011, the Department of Human Services denied claimant's medical bill received and paid in October 2011.
2. In November 2011, claimant verified the paid bill to the Department of Human Services.
3. Claimant wants an FAP increase for December 2011 based on the paid bill.

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in

the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Estimate an SDV person's medical expenses for the benefit period. The expense does not have to be paid to be allowed. Allow medical expenses when verification of the portion paid, or to be paid by insurance, Medicare, Medicaid, etc. is provided. Allow only the non reimbursable portion of a medical expense. The medical bill cannot be overdue. BEM 554, Page 9.

Medical bills in pertinent part are **not** overdue if one of the following conditions exists:

- Currently incurred (for example, in the **same month**, ongoing, etc.).
- Currently billed (client is receiving the bill for the first time for a medical expense provided earlier and the bill is not overdue).

Claimant claims that she received the bill in October and paid it in October, and that, therefore, her bill was not overdue under bullet 2.

Bullet 1 regards bills in the **same month**. It does not state days before the incurred bill within the same month. The reasonable interpretation of bullet 2 is that "provided earlier" means the bill that is provided in an earlier month. Therefore, in this case, the medical bill in question was not received for the first time for the medical expense in an earlier month.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant's paid bill in October 2011 was not an ongoing expense.

Accordingly, denial of bill received and paid by claimant in October 2011 is **UPHELD**.

/s/

William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 23, 2012

Date Mailed: February 23, 2012

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.

WAS/tb

cc:

