

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201210510
Issue No: 2026
Case No: [REDACTED]
Hearing Date: April 3, 2012
Oakland County DHS #4

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 April 3, 2012. The claimant's wife and authorized representative, [REDACTED] personally appeared and provided testimony.

ISSUES

Whether the department properly attributed incurred expenses to the claimant's Medical Assistance (MA) program deductible for the months of July, August, and September of 2011?

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 claimant was a recipient of MA benefits at all time pertinent to this hearing.
2. The claimant has been assigned a monthly deductible that must be met before coverage will proceed.
3. The claimant submitted old medical bills as well as care-giver expenses to the department.
4. The department did not apply the submitted expenses to the claimant's deductible for the months in question.
5. On September 30, 2011, the claimant submitted a hearing request regarding the application of old bills and incurred expenses to his deductible.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

In the case at hand, the department representative testified that the claimant's care-giver expenses were not applied to the claimant's deductible because the expenses were given in monthly bills. The department representative testified that in order for the bills to be applied, they would have to reflect the daily charges for the service dates in question. BEM 545 states that in order for an allowable medical expense to be counted towards determining eligibility, the amount of the expense and the date the expense was incurred must be verified by the department. Therefore, the department must show the specific days that an expense was incurred and the amount of that expense in order to apply it to a claimant's deductible.

In this case, the department representative agreed that if the claimant submitted more detailed invoices of the care-giver expenses; specifically the daily charges incurred by the claimant, that the department would apply those expenses to the claimant's deductible for the months of July, August, and September of 2011 respectively. Additionally, the department representative testified that the old bills submitted by the claimant for time period that the claimant was not eligible for full MA benefits; the years of 2006 and 2007 (see Department Exhibit 5) would be counted towards the claimant's deductible for the month of July, 2011. The claimant's representative testified that this would be an appropriate course of action for the department to take in this matter.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified if the claimant submitted more detailed invoices of the care-giver expenses; specifically the daily charges incurred by the claimant, that the department would apply those expenses to the claimant's deductible for the months of July, August, and September of 2011 respectively. Additionally, the department representative testified that the department

would count the old bills submitted by the claimant for the years of 2006 and 2007 towards the claimant's deductible for the month of July 2011. The claimant agreed that this was the proper course of action to be taken. Therefore, the parties agree as to what the proper course of action to be taken in this matter should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly attribute incurred expenses to the claimant's Medical Assistance (MA) program deductible for the months of July, August, and September of 2011.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that

1. The department shall allow the claimant to submit more detailed invoices for care-giver expenses incurred which will reflect the claimant's daily expenses for said services. Once those expenses are submitted, if the expenses are otherwise qualified to be applied towards the claimant's deductible, the department shall so apply those expenses.
2. If the old bills are otherwise allowable, the department shall apply the old bills submitted by the claimant for the years 2006 and 2007 as reflected in Department Exhibit 5 towards the claimant's July, 2011 deductible.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 5, 2012

Date Mailed: April 5, 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 60 days of the filing of the original request.

The Claimant 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 date of the rehearing decision.

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