

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201322781
Issue No.: 2026
Case No.: [REDACTED]
Hearing Date: May 13, 2013
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED], authorized representative for [REDACTED], Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED] Medical Contact Worker.

ISSUE

Did the Department properly process Claimant's May 2010 Medical Assistance (MA) coverage?

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 is a recipient of MA coverage.
2. Claimant is eligible for, and entitled to, retroactive MA coverage for May 2010.
3. In January 2013; May 1, 2013; and May 13, 2013, the Department submitted a Request for Exception to the Twelve-Month Billing Limitation for Medical Services (MSA-1038) to the Michigan Department of Community Health (DCH).

4. As of the hearing date, Claimant's MA coverage for May 2010 has not been activated.
5. On December 15, 2010, Claimant's AHR requested a hearing, alleging the Department had failed to process Claimant's MA coverage for May 2010. The Department did not date-stamp when it received the Request for Hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the 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.

Additionally, at the hearing, the Department acknowledged that Claimant was eligible for, and entitled to, MA coverage, with a deductible, for May 2010. The Department further testified that it had submitted a Request for Exception to the Twelve-Month Billing Limitation for Medical Services (MSA-1038) on three separate occasions between January 2013 and May 2013. DCH is required to notify the Department within 90 days of its decision so that the Department can notify providers to bill Medicaid as usual and enter "MSA 1038 approval on file" in the comments section of the claim. BAM 402 (October 2012), p 8. In this case, DCH had not processed the request and activated Claimant's MA coverage for May 2010 as of the hearing date. By failing to provide Claimant with MA coverage for May 2010, the Department did not act in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it failed to activate Claimant's retroactive MA coverage for May 2010.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Continue processing Claimant's MA coverage for May 2010; and
2. Issue payment to Claimant's provider in accordance with Department policy for MA

benefits Claimant was eligible to receive in May 2010.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/22/2013

Date Mailed: 5/22/2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/hw

cc:

