

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20138014
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: April 15, 2013
County: Oakland DHS (02)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 15, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly processed Claimant's hearing request concernign Medical Assistance (MA) benefit coding.

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. Claimant had private health insurance.
3. DHS coded Claimant's private health insurance has her primary insurance with Medicaid as a secondary insurance.
4. Claimant verified and reported to DHS a stoppage in private health insurance as of 6/14/12.
5. On 10/30/12, DHS faxed verification of the insurance stoppage to the Department of Community Health (DCH).

6. On 12/6/12, DHS faxed verification of the insurance stoppage to DCH.
7. On 3/28/13, DHS faxed verification of the insurance stoppage to DCH.
8. As of the date of the administrative hearing, Claimant still receives Medicaid as a secondary insurance.
9. On 10/26/12, Claimant requested a hearing to dispute the failure by DHS to provide her Medicaid as a primary insurance.

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). DHS 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).

Prior to a substantive analysis, a jurisdictional issue must be considered. Michigan Administrative Hearings System (MAHS), the state agency responsible for the administrative hearing process, distinguishes between DHS hearings and DCH hearings.

The DHS branch of MAHS handles the majority of benefit-related disputes. DCH determinations include all of the following:

- Denial of prior authorization.
- Denial of payment for a service, appliance, or prosthesis.
- Restricted utilization of the client's mihealth card.
- Determination of level of care (long-term care or MIChoice waiver).
- Enrollment in managed care, including requests for exemption.
- Denial of CHILD's waiver services.
- Monitoring TMA-Plus premium payments (amount and due date).
- Determining MIChild eligibility.
- Reduction of services.
- Authorization of MA for a newborn under BEM 145.
(BAM 600 (2/2013), p. 3.)

Claimant disputed a failure by DHS to code her Medicaid eligibility as her primary insurance following a stoppage in private health insurance. The incorrect coding has persisted for ten months. During the last ten months, Claimant's and her child's medical expenses have not been paid by Medicaid due to the incorrect insurance coding. The error also prevented Claimant from accessing medical services. The coding error persisted despite Claimant's specialist sending the documentation needed to correct the coding to DCH on three occasions.

Unfortunately for Claimant, the coding cannot be corrected in a DHS administrative hearing. Because the error concerns a denial of medical service, DCH has jurisdiction over the matter.

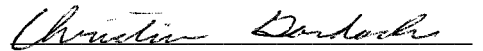
When the local DHS office receives a hearing request disputing a DCH determination, the local office hearings coordinator does all of the following:

- Logs the hearing request.
- Faxes a copy of the hearing request to the DCH hearings coordinator (517) 373-4147.
- Sends the original hearing request within three workdays to:
Department of Community Health Administrative Tribunal
PO Box 30763
Lansing, MI 48909
(*Id.*, p. 10.)

In the present case, DHS forwarded Claimant's hearing request to MAHS as a DHS-related administrative hearing. Because of the subject matter, Claimant's hearing will have to be rescheduled as a DCH-related hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly followed the procedures for scheduling Claimant's DCH dispute. It is ordered that DHS follow the procedures of BAM 600 (as outlined above) concerning Claimant's DCH-related hearing request. The actions taken by DHS are REVERSED.


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

Date Signed: 4/22/2013

Date Mailed: 4/22/2013

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

CG/hw

cc:

