

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

Docket No. 2013-32229 HHS
Case No. [REDACTED]

[REDACTED],
Appellant.

_____ /

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon the Appellant's request for a hearing.

After due notice, a hearing was held on [REDACTED]. Appellant appeared and testified on her own behalf. [REDACTED], Appeals Review Officer, represented the Department of Community Health. [REDACTED], Adult Services Worker (ASW), and [REDACTED], Adult Services Supervisor, from the [REDACTED] County DHS [REDACTED] office testified as witnesses for the Department.

ISSUE

Did the Department properly deny Appellant's application for Home Help Services (HHS)?

FINDINGS OF FACT

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

1. In [REDACTED], Appellant was referred for HHS. (Respondent's Exhibit A, page 5).
2. As part of the initial assessment process, ASW [REDACTED] scheduled a home visit with Appellant for [REDACTED]. (Testimony of [REDACTED]; Respondent's Exhibit A, page 6).
3. Appellant was notified of the scheduled visit by letter. (Testimony of Appellant; Respondent's Exhibit A, pages 6).
4. On the date and time for the scheduled home visit, Appellant was not at home. (Testimony of [REDACTED]; Respondent's Exhibit A, page 10).
5. Appellant also failed to contact ASW [REDACTED] to make any other arrangements. (Testimony of [REDACTED]; Respondent's Exhibit A, page 10).

6. On ██████████, the Department sent Appellant written notice that her application was being denied as she was not present for the home visit and functional assessment. The notice also stated she could re-apply for HHS if she was still interested in the services. (Respondent's Exhibit A, pages 4b, 6-9).
7. On ██████████, the Michigan Administrative Hearing System (MAHS) received a Request for Hearing in this matter. (Respondent's Exhibit A, pages 4-4c).

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Home Help Services (HHS) are provided to enable functionally limited individuals to live independently and receive care in the least restrictive, preferred settings. These activities must be certified by a physician and may be provided by individuals or by private or public agencies.

Adult Services Manual 120 (5-1-2012) (hereinafter "ASM 120") addresses how HHS are assessed. For example, ASM 120, page 1 of 5, states in part:

INTRODUCTION

The DHS-324, Adult Services Comprehensive Assessment is the primary tool for determining need for services. The comprehensive assessment must be completed on all open independent living services cases. ASCAP, the automated workload management system, provides the format for the comprehensive assessment and all information must be entered on the computer program.

Requirements

Requirements for the comprehensive assessment include, but are not limited to:

- A comprehensive assessment will be completed on all new cases.
- A face-to-face contact is required with the client in his/her place of residence.

- The assessment may also include an interview with the individual who will be providing home help services . . .

Here, ASW ██████ testified that she issued the denial notice and closed out Appellant's case because Appellant was not home for the scheduled home visit on ██████ and failed to make any other arrangements. ASW ██████ was therefore unable to assess Appellant as described above and could not authorize HHS.

In response, Appellant testified that she was home on the date of the scheduled visit and that the ASW never arrived. Appellant also testified that she repeatedly tried to call ASW ██████ or a DHS supervisor and that her messages were never returned. Both ASW ██████ and her supervisor deny receiving any contact from Appellant prior to the denial.

This matter therefore turns on the credibility of the witnesses and this Administrative Law Judge finds ██████ and ██████ to be more credible and that Appellant failed to make herself available for a functional assessment. The above policy is clear that such an assessment must take place before HHS services can be authorized and the Department therefore properly denied her application.

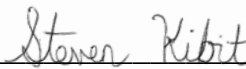
As discussed during the hearing, Appellant may re-apply for HHS at any time.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Appellant's application for HHS.

IT IS THEREFORE ORDERED THAT:

The Department's decision is **AFFIRMED**.



Steven Kibit
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

██████████
Date Signed: 6/21/2013

Date Mailed: 6/21/2013

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Decision and Order

CC:



***** NOTICE *****

The Michigan Administrative Hearing System may order a rehearing on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. The Michigan Administrative Hearing System will not order a rehearing on the Department's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original request. The Appellant March 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 of the rehearing decision.