

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

IN THE MATTER OF:

[REDACTED]
c/o [REDACTED]
[REDACTED]

Reg. No.: 201347686
Issue No.: 2019
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 July 18, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Authorized Hearing Representative (AHR)) and [REDACTED] (Claimant). Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Long Term Care Worker).

ISSUE

Did the Department properly determine Claimant's MA deductible amount?

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 admitted to a LTC facility in [REDACTED] County with a patient pay amount of \$1,563.00.
2. On February 7, 2013, Claimant was released from the LTC facility and transferred to an adult foster care center.
3. On March 27, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which indicated that "you are no longer in a nursing home; you will have a monthly deductible." The DHS-1605 indicated Claimant's monthly MA deductible amount was \$1,086.00.

4. Claimant requested a hearing to obtain payment for rehabilitation expenses from the Ingham County LTC facility.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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.

Here, Claimant requested a hearing regarding the payment of a bill from the LTC facility; however, the Department indicated that Claimant had an MA deductible amount of \$1,086.00. The Department uses BEM 546 to determine post-eligibility patient-pay amounts. A post-eligibility patient-pay amount is the L/H patient's share of the cost of LTC or hospital services. BEM 546. This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Claimant did not provide any evidence that any bills were forwarded to the Department. Further, the Department's calculation of his patient pay amount and deductible amount was accurate. Based on the competent, material, and substantial evidence presented during the hearing, this Administrative Law Judge finds that the Department acted properly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly when it determined Claimant's patient pay amount and MA deductible amounts following his transfer from the LTC facility to the adult foster care facility.

Accordingly, the Department's MA decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 23, 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

CAP/aca

cc:

