

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:

██████████,

Appellant

Docket No. 14-006491 HHS
Case No. ██████████

DECISION AND ORDER

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

After due notice, a hearing was held on ██████████. ██████████ appeared on her own behalf. ██████████, Appeals Review Officer (ARO), represented the Department. ██████████, Adult Services Worker (ASW) appeared as a witness for the Department.

ISSUE

Did the Department properly suspend Appellant's Home Help Payments due to a failure to turn in completed Provider logs?

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 Appellant is a Medicaid beneficiary who received Adult Home Help Services (HHS) Testing from ██████████ through ██████████. (Testimony).
2. In ██████████, the ASW reviewed the Appellant's case file and could not find Provider logs for ██████████, ██████████ and ██████████ through ██████████. (Testimony).
3. On ██████████, the Department sent the Appellant an Advance Negative Action Notice. The notice indicated the Appellant's HHS case was being suspended effective ██████████ due to the missing Provider logs. (Exhibit A, p. 6; Testimony).
4. On ██████████, the Michigan Administrative Hearing System received from the Appellant a request for hearing. (Exhibit A, p. 5).

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 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. The Adult Services Manual (ASM) sets forth the various requirements needed to insure continued payment for the HHS by a Home Help Provider. ASM 135 states in pertinent part:

**PERSONAL CARE SERVICES PROVIDER LOG
(DHS-721)**

- Each individual provider must keep a log of Home Help Services delivered. The DHS-721 is used for this purpose.
- Tasks on the provider logs are automatically marked with an X when printed from ASCAP based on the client's home help functional assessment.
- The provider must indicate what services were provided and on which days of the month.
- The client and the provider must sign the log when it is completed to verify that the services approved for payment were delivered.
- The log must be submitted to the local office quarterly. Provider logs must be received within 10 business days after the last service date on the log. Failure to do so will result in suspension of payment.
- The Adult services Specialist must initial and date the log upon receipt, demonstrating review of the log.
- Retain the log in the client's case record.
- A separate log is required for each provider.
- Incomplete logs must be returned to the client/provider for completion.

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Agency/business providers must submit monthly invoices in lieu of the DHS-721. Each invoice **must** specify:

- The service provided, and
- The date(s) of service, and
- The amount of time provided for each tasks.

[pp. 3 & 4 of 7].

The ASW testified she took action on Appellant's HHS case as the Appellant had failed to return the required Provider logs as required by policy. The ASW indicated the Appellant was fully aware of how to turn in the logs and what was required as the Appellant had been receiving HHS benefits since ██████████.

At the hearing the Appellant argued she turned in the required logs and her case should not be suspended/terminated as a result. The Appellant however did not provide any proof other than her own testimony.


As such, the Appellant failed to meet her burden of proof of showing by a preponderance of the evidence that the Department erred in suspending her Home Help Payments. Additionally, the Department stands ready and willing to reverse their suspension of Appellant's Home Help Payments upon receipt of properly completed Provider logs. The Department's actions were proper at the time and must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly suspended Appellant's Home Help Payments due to a failure to return completed Provider logs.

IT IS THEREFORE ORDERED that:

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

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Corey A. Arendt
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

[REDACTED]
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cc:

[REDACTED]

Date Signed:

[REDACTED]

Date Mailed:

[REDACTED]

***** 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 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 of the rehearing decision.