

**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. 14-017543 HHS**

██████████

██████████

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 Appellant's request for a hearing.

After due notice, a telephone hearing was held on ██████████ Appellant did not appear to testify at the hearing. Appellant's son and Authorized Hearing Representative ██████████ appeared and testified on Appellant's behalf. ██████████ Appeals Review Officer; ██████████, Adult Services Supervisor; and ██████████, Independent Living Specialist appeared to testify on behalf of the Michigan Department of Community Health (MDCH or the Department).

**ISSUE**

Did the Department properly propose to suspend Appellant's Home Help Services (HHS) payments due to a failure to submit provider logs in a timely manner?

**FINDINGS OF FACT**

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

1. Appellant is a Medicaid beneficiary who has been receiving HHS through the Department at all times relevant to this matter.
2. On ██████████, an Advance Negative Action Notice was mailed to Appellant, informing Appellant that no further HHS payments can be authorized until past due provider logs are returned.



The provider **must** keep a log of the services provided on the DHS-721, Personal Care Services Provider Log and submit it on a quarterly basis. The log must be signed by both the provider and client or the client's representative to verify that the services approved for payment were delivered. A separate log is required for each provider. The log 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 to demonstrate review of the log. The log is required to be retained in the client's case record. Incomplete logs must be returned to the client/provider for completion.

Agency/business providers have the option of submitting invoices instead of the DHS-721, Provider Log. Each invoice **must** specify the following:

- The service(s) provided, and
- The date(s) of service.

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In the instant case, the department representative testified on the record that he was not certain if the logs had been received by the department. No one from the department could testify as to what actually happened in this case.

Appellant's representative testified that he mailed the logs in to the department as is required by policy and that no payments have been suspended to date. This Administrative Law Judge determines that Appellant's witness is credible.

The department has not established by the necessary competent, substantial and material evidence on the record that it was acting in accordance with department policy when it issued an Advance Negative Action Notice was mailed to Appellant, informing Appellant that no further HHS payments can be authorized until past due provider logs are returned. Because no payments have been suspended, the issue is moot.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department has not established by a preponderance of the evidence that Appellant failed to provide provider logs.

[REDACTED]  
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**IT IS THEREFORE ORDERED THAT:**

The Department's decision is **REVERSED**. The Department is **ORDERED** to rescind any potential negative action for failure to return logs; and ensure that there has been no suspension of HHS payments.

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Landis Y. Lain  
Administrative Law Judge  
for Nick Lyon, Director  
Michigan Department of Community Health

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

LYL/db

cc: [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.