

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
P.O. Box 30763, Lansing, MI 48909
Phone: (517) 335-3997; Fax: (517) 373-4147

IN THE MATTER OF:

██████████
Appellant
_____ /

CASE INFORMATION

Docket No.: 14-018666-HHS

Case No.: ██████████

Appellant:
██████████

Respondent:
Department of Community Health

HEARING INFORMATION

Hearing Date: March 25, 2015

Start Time: 01:30 PM

Location

In Person at Agency Office
Oakman Adult Services
3040 W. Grand Blvd., Suite L450
Detroit, MI 48202

DECISION AND ORDER

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205 after due notice, a three way hearing was held on March 25, 2015, from Detroit, Michigan. Participants on behalf of Appellant included the Appellant. ██████████ also appeared as a witness. Participants on behalf of the Department of Human Services (Department) included ██████████, Adult Services Specialist, ██████████, Adult Services Supervisor, and ██████████, Manager Appeal Section, Department of Community Health.

ISSUE

Did the Department properly suspend Home Help Services due to not receiving past due provider logs?

FINDINGS OF FACT

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

1. An Advance Negative Action Notice was sent on December 10, 2014 effective December 26, 2014 suspending the Home Help Services due to failure to provide past due provider logs for July, August and September 2014. Exhibit 1, pages 8-10.
2. At the time of the hearing on March 25, 2015 the completed logs had been received by the Department for the third quarter on January 2, 2015.
3. The Department agreed to process the logs for payment for the third quarter covering July, August and September 2014. At the time of the hearing the Department had not received logs for the fourth quarter; however, the Advance Negative Action period did not cover this quarter.
4. The Appellant requested the hearing on January 21, 2015 protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

ASM 135 (December 1, 2013) page 5 provides:

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.

At the hearing the Department caseworkers ██████████ testified that the Department's records confirmed that the logs in question for the third quarter had been received.

The Appellant did establish by a preponderance of the evidence that he had submitted the logs required under Department policy for the third quarter in question as the logs were provided January 2, 2015.

Additionally, it was established at the hearing that no payments had been made by the Department for July, August and September 2014. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department because it received the logs and had not made payment for the HHS services did act in accordance with Department policy when it issued the Advance Negative Action Notice on December 10, 2014. However, since the provider logs for July, August and September 2014 have been received, the action suspending payment is no longer effective.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

The Department is ORDERED to initiate processing of payments for HHS services for the months of July, August and September 2014.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Health and
Human Services

Date Signed: **4/23/2015**

Date Mailed: **4/23/2015**

LMF/cl

cc:

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***** 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.