

**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. 2014-1857 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 ██████████. Appellant and ██████████ appeared on the Appellant's behalf. ██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, Adult Services Worker (ASW), appeared as a witness for the Department.

**ISSUE**

Did the Department properly terminate the Appellant's Home Help Services (HHS) case?

**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 has been approved for Medical Assistance (MA) with a spend-down and a scope of 2H since ██████████. (Exhibit A, p. 12; Testimony)
2. As of ██████████ and up through ██████████, the Appellant had failed to have a provider assigned to her case. (Exhibit A, p. 8; Testimony)
3. As of ██████████, the Appellant was not satisfying her MA spend-down amount. (Exhibit A, pp. 6, 8; Testimony)
4. On ██████████, the Department sent the Appellant an Advance Negative Action Notice informing the Appellant that her HHS case was being terminated. (Department Exhibit A, pp. 5-7)

5. On ██████████, the Michigan Administrative Hearing System received the Appellant's Request for Hearing. (Exhibit 1)

### **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.

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.

The Adult Services Manual (ASM) addresses eligibility for Home Help Services:

#### **Requirements**

Home help eligibility requirements include **all** of the following:

- Medicaid eligibility.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment (DHS-324) indicating a functional limitation of level 3 or greater for activities of daily living (ADL).
- Appropriate Level of Care (LOC) status.

#### **Medicaid/Medical Aid (MA)**

The client may be eligible for MA under one of the following:

- All requirements for Medicaid have been met.
- MA deductible obligation has been met.

The client must have a scope of coverage of either:

- 1F or 2F.
- 1D or 1K (Freedom to Work).
- 1T (Healthy Kids Expansion).

Clients with a scope of coverage 20, 2C or 2B are **not** eligible for Medicaid until they have met their MA deductible obligation.

**Note:** A change in the scope of coverage in Bridges will generate a system tickler in ASCAP for active services cases.

#### Medicaid Personal Care Option

Clients in need of home help personal care services may become eligible for MA under the Medicaid personal care option.

Discuss this option with the client and coordinate implementation with the eligibility specialist.

Conditions of eligibility:

- The client meets all Medicaid eligibility factors except income.
- An independent living services case is open.
- The client is eligible for home help services.
- The cost of personal care services is **more** than the MA excess income amount.

*Adult Services Manual (ASM) 105, 11-1-2011 pages 1-2 of 3*

Furthermore, the Adult Service Manual (ASM) requires that the Client notify the Department of any change in his provider:

#### **Provider Interview**

Explain the following points to the client and the provider during the initial interview:

- The provider is employed by the client **not** the State of Michigan.
- A provider who receives public assistance **must** report all income received as a home help provider to the FIS/ES.
- The client is the employer and has the right to hire and fire the provider.
- The client is responsible for notifying the worker of any change in providers or hours of care.

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- The services the provider is responsible for and has agreed to deliver including the frequency, amount and type of service.
- The provider **must** keep a log of the services provided Personal Care Services Provider Log (DHS-721) and submit it on a quarterly basis. The client **must** sign the Authorization for Withholding of FICA Tax in Home Help Payments (DHS-4771).
- All earned income must be reported to the IRS. (See adult services home page for IRS web site information)
- The client **and** provider **must** sign the Home Help Services Statement of Employment (MSA-4676) . . . .

**Provider Enrollment**

Home help providers **must** be enrolled on the Model Payments System (MPS) prior to payment authorization. [ . . . ] ASM §363, 6-1-2007, page 16 of 23<sup>1</sup>

\* \* \*


The ASW testified that the Appellant at all times in question was categorized with a scope of 2H and at no point in time during the time periods in question either met the spend-down amount or identified a provider.

The Appellant in this matter did not offer any arguments or testimony to indicate she met the spend-down amounts and furthermore agreed that she did not identify a provider.

Based on the evidence presented, Appellant has failed to prove, by a preponderance of evidence, that the termination of HHS was inappropriate. The applicable policy does not allow for HHS when a provider is not identified and when the deductible amount has not been met. Furthermore, the Appellant's scope does not allow for MA coverage. Accordingly, the termination of HHS for Appellant is upheld.

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<sup>1</sup> This revised edition of the ASM is virtually identical to the version in place at the time of department action and appeal.

  
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**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that, based on the available information, the Department properly terminated the HHS for the Appellant.

**IT IS THEREFORE ORDERED THAT:**

The Department's decision is AFFIRMED.

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

  
cc: 

Date Signed: November 8, 2013

Date Mailed: November 8, 2013

**\*\*\* 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.