

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

IN THE MATTER OF:

██████████,

**Docket No.: 15-001157
Case No.: 6174414**

Appellant

_____ /

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

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 March 12, 2015, from Detroit, Michigan. Participants included the above-named Appellant. Participants on behalf of the Department of Community Health (DCH) included Gladys Smith-Robinson, specialist, Sheronda Campbell, supervisor, and David Harrison, appeals review officer.

ISSUE

The issue is whether DCH properly terminated Appellant's home help services (HHS) eligibility due to Appellant's ineligibility for Medicaid.

FINDINGS OF FACT

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

1. Appellant was an ongoing Medicaid recipient.
2. On an unspecified date, the Department of Human Services (DHS) terminated Appellant's Medicaid and determined that Appellant was eligible for Medicaid subject to a \$588/month deductible.
3. On 1/22/15, DCH terminated Appellant's HHS eligibility, effective 2/2015, due to Appellant's ineligibility for Medicaid.

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4. On 2/3/15, Appellant requested a hearing to dispute the termination of HHS eligibility.

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. DCH policies regulating the MA program are contained in the Adult Services Manual.

Home help services are non-specialized personal care service activities provided under the independent living services program to persons who meet eligibility requirements. Home help services are provided to enable individuals with functional limitation(s), resulting from a medical or physical disability or cognitive impairment to live independently and receive care in the least restrictive, preferred settings. Home help services are defined as those tasks which the department is paying for through Title XIX (Medicaid) funds.

Appellant requested a hearing to dispute a termination of HHS eligibility. It was not disputed that DCH terminated Appellant's HHS eligibility due to a termination of Medicaid eligibility.


DCH policy outlines the requirements of HHS eligibility. Home help eligibility requirements include all of the following:

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

ASM 105 (12/2013), p. 1.

The client must have a scope of coverage of either: 1F or 2F, 1D or 1K (Freedom to Work), or 1T (Healthy Kids Expansion). *Id.* Clients with a scope of coverage 20, 2C or 2B are not eligible for Medicaid until they have met their MA deductible obligation. *Id.*

It was not disputed that Appellant was eligible for Medicaid subject to a deductible. It is understood that clients with a deductible have a scope-coverage of 20. Based on DCH policy, Appellant is not a Medicaid recipient because of her deductible status. Accordingly, it is found that DCH properly terminated Appellant's HHS eligibility.


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Appellant was advised that if she disputed her deductible determination, she needs to request a hearing with the DHS office which determined her Medicaid eligibility. If Appellant again becomes eligible for Medicaid, she is encouraged to reapply for HHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DCH properly terminated Appellant's HHS eligibility, effective 2/2015. The actions taken by DCH are **AFFIRMED**.




Christian Gardocki
Administrative Law Judge
for Director, Nick Lyon
Michigan Department of Community Health

Date Signed: 3/16/2015

Date Mailed: 3/16/2015

CGhw

cc:


Mary Carrier
David Harrison
Christian Gardocki
DCH

****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.