

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

IN THE MATTER OF:

██████████,
Appellant
_____ /

CASE INFORMATION

Docket No.: 15-001354-HHS
Case No.: ██████████
Appellant:
██████████
Respondent:
Department Community Health

HEARING INFORMATION

Hearing Date: March 26, 2015
Start Time: 02:30 PM
Location
In Person at Agency Office
Oakman Adult Services
Oakman Adult Services
3040 W. Grand Blvd., Suite L450
Detroit, MI 48202

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 26, 2015, from Detroit, Michigan. Matthew Johnson, Appellant's nephew and home help services provider, testified and appeared as Appellant's authorized hearing representative (AHR). ██████████, Appellant's former sister-in-law, testified on behalf of Appellant. Participants on behalf of the Department of Human Services (DHS) included Noreen Nykiel, specialist, Diane Stuart-Solomon, supervisor, and David Harrison, appeals review officer.

ISSUE

The issue is whether DHS properly denied Appellant's application for home help services (HHS).

FINDINGS OF FACT

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

1. On an unspecified date, Appellant applied for HHS.

2. On 11/25/14, Appellant provided DHS with a Medical Needs form (Exhibit 1) which listed the following needs: meal preparation, shopping, laundry, and housework.
3. On 1/22/15, following a comprehensive assessment, DHS denied Appellant's application for HHS due to Appellant not qualifying for a need with activities of daily living (ADL).
4. On 2/6/15, Appellant requested a hearing to dispute the denial of HHS.

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. DHS 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 denial of HHS. It was not disputed that DHS denied Appellant's application based on Appellant's failure to certify a need for HHS.

Appellant's nephew testified that DHS' short notice in scheduling his uncle for an assessment caused inconvenience and was unjust. The testimony was not significantly factored because there was no evidence that the assessment factored into the denial 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, and appropriate Level of Care (LOC) status. ASM 105 (12/2013), p. 1. Activities of Daily Living (ADL) include the following: eating, toileting, bathing, grooming, dressing, transferring, and mobility. ASM 120 (12/2013), p. 2. An individual must be assessed [as needing help] with at least one activity of daily living (ADL) in order to be eligible to receive home help services. ASM 101 (12/2013), p. 2.

Appellant's nephew presented three statements from Appellant's friends (Exhibits A3-A6). The statements were hearsay but were admitted as exhibits. Generally, each of the statements indicated that Appellant needed assistance with daily needs.

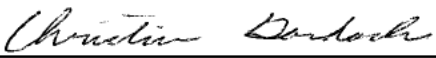
Appellant's friends' statements are not an appropriate verification to establish ADL need. Medical needs are certified utilizing the DHS-54A, Medical Needs form and must be completed by a Medicaid enrolled medical professional. ASM 105 (12/2013), p. 3.


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DHS presented a Medical Needs form (Exhibit 1) from Appellant's nurse practitioner. The Medical Needs form contains a section which asks if a patient needs any help completing each of the above-listed ADLs. Appellant's medical treater noted that Appellant needed assistance with meal preparation, laundry, housework, and shopping. Meal preparation laundry, housework, and shopping are not ADLs qualifying Appellant for HHS eligibility. Based on presented evidence, it is found that DHS properly denied Appellant's application for HHS eligibility due to Appellant's failure to need assistance with ADLs.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Appellant's application for home help services dated. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: 4/1/2015

Date Mailed: 4/1/2015

CG/hw

cc:



***** 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.