

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

██████████
██
██

Reg. No.: 15-003521
Issue No.: 2001
Case No.: ██████████
Hearing Date: April 23, 2015
County: Macomb-District 36

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

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 205.10; and Mich Admin Code, R 792.11002. After due notice, a three way telephone hearing was held on April 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and his Authorized Hearing Representative (AHR), ██████████ from ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of MA benefits.
2. On November 1, 2013, the Department sent Claimant a Notice of Case Action informing him that effective December 1, 2013, his MA case would be closing on the basis that the deductible had not been met in at least one of the last three months. Claimant was informed that he may reapply for benefits. (Exhibit A, pp. 24-26)
3. Acting as Claimant's authorized representative, ██████████ submitted a Facility Admission Notice (MSA 2565) to the Department for Claimant's December 19, 2013, to December 20, 2013, hospital services.

4. The Department did not process the Facility Admission Notice.
5. On February 25, 2015, ██████████ requested a hearing disputing the Department's actions and requesting that the Department activate Claimant's MA benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Receipt of a completed MSA-2565 Facility Admission Notice serves as a request for MA for all persons except automatically eligible newborns, active MA beneficiaries, and pending MA or FIP applicants. The completed Facility Admission Notice must be registered. BAM 110 (January 2014), p. 3,18.

In this case, the Department testified that it timely received the completed MSA-2565 Facility Admission Notice for Claimant's December 19, 2013, to December 20, 2013, hospitalization. The Department stated that the expenses incurred were not applied to Claimant's MA case or deductible because at the time the MSA-2565 was received, Claimant's MA case had closed due to failure to meet the deductible for three months. The Department stated that after receiving Claimant's hearing request, it reviewed Claimant's case and determined that the Department should have treated the MSA-2565 as a new request for medical assistance and had Claimant and his authorized representative submit a complete application for assistance to determine Claimant's eligibility for MA for the time period in which the hospitalization expenses were incurred. (Exhibit A, pp. 32-33). The Department acknowledged that it acted in error by not registering or processing the MSA-2565.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA benefits.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and Process the Facility Admission Notice MSA-2565 that [REDACTED] submitted on behalf of Claimant for dates of hospital service December 19, 2013, to December 20, 2013;
2. Provide Claimant with any MA coverage that he was entitled to receive but did not under the most beneficial category, and
3. Notify Claimant and his AHR of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/13/2015**

Date Mailed: **5/13/2015**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

[REDACTED]