

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

IN THE MATTER OF:



MAHS Reg. No.: 15-018085
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: December 01, 2015
County: DHHS SPECIAL
PROCESSING OFFICE

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Pursuant to a September 8, 2014 federal lawsuit, the Department of Health and Human Services (Department) issued notices to Medicaid applicants who were potentially denied full Medicaid coverage based on immigration status between January 2014 and May 2015. The notice included information about how to request a hearing. Petitioner filed a request for a hearing and accordingly this matter is before the undersigned Administrative Law Judge pursuant to Michigan Administrative Hearing Rules (R 792.10101 – R 792.11903) and the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 *et seq.*

After due notice, a telephone hearing was held on December 1, 2015, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. The Department was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's immigration status or citizenship when determining Medicaid (MA) eligibility between January 2014 and May 2015?

FINDINGS OF FACT

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

1. Petitioner applied for MA or had a redetermination of current MA benefits.
2. On the date of MA application or redetermination, Petitioner was not a United States citizen.
3. Petitioner entered the United States on June 16, 2013. (Uncontested)

4. Petitioner's application/case was initially approved for Emergency Services Only (ESO) MA coverage.
5. On August 26, 2015, Petitioner requested a hearing. (Hearing Request for Full Health Care Coverage)
6. The Department subsequently approved full Medicaid coverage for September 1, 2014, through October 31, 2015. (Eligibility Specialist Testimony)

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), Department of Health and Human Services Modified Adjusted Gross Income (MAGI) Related Eligibility Manual (MREM), 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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner requested a hearing disputing the denial of full MA coverage.

To be eligible for full MA coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (January 1, 2014), p. 2.

For MA, an individual under specific immigration statuses is limited to emergency services for the first five years in the U.S. (BEM 225, pp. 8-9)

At the beginning of the hearing proceedings, it was discovered that the documents the Department sent to the Michigan Administrative Hearing System for this case were not the same as the documents the Eligibility Specialist was initially utilizing to present the Department's case. It appears that there were two Hearing Summary packets with contradicting explanations of the action taken and a different total number of pages. Accordingly, these documents were not entered into the record. Rather, the credible testimony of the Eligibility Specialist, who reviewed the Petitioner's case record during the hearing proceedings, was relied upon to establish what action(s) were taken by the Department.

The testimony of both parties was uncontested that Petitioner entered the United States on June 16, 2013. The Eligibility Specialist explained that Petitioner would therefore not be eligible for full MA coverage until May 2018. (Eligibility Specialist Testimony)

The testimony indicates Petitioner was initially approved for Emergency Services Only (ESO) MA coverage. However, the Department subsequently approved full Medicaid coverage for the relevant benefit period, September 1, 2014, through October 31, 2015. (Eligibility Specialist Testimony) Accordingly, for the time period the MA eligibility determination was to be reviewed for this hearing, the Department has already updated the benefit periods to full Medicaid coverage.

If she has not already done so, Petitioner may wish to file another timely hearing request to contest the Department's more recent determination to change the coverage back to ESO MA coverage effective November 1, 2015.

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 has already updated their determination about MA eligibility based on Petitioner's immigration status for the relevant time period to full Medicaid coverage.

DECISION AND ORDER


1. Accordingly, the Department's determination about MA eligibility based on immigration status is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

CL / 

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.

cc:

