

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

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IN THE MATTER OF:

██████████,

Appellant

Docket No. 15-013847 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 appeared and testified. Appellant's daughter ██████████ appeared and testified on Appellant's behalf. ██████████, Appeals Review Officer and ██████████, Adult Services Worker, appeared as witnesses for the Department of Health and Human Services (the Department).

ISSUE

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

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 is a Medicaid beneficiary.
2. Appellant has received HHS in the past.
3. Appellant's certification period for HHS was scheduled to terminate ██████████.
4. Appellant's HHS was transferred to a new caseworker.
5. The new caseworker determined that the six month in home assessment was overdue.
6. On ██████████, the caseworker attempted to conduct the in home assessment with Appellant at Appellant's home.
7. The caseworker was not allowed to enter the premises.
8. The worker attempted to contact Appellant by telephone but found it was an

invalid telephone number.

9. The worker was unable to complete the in-home assessment.
10. On ██████████, the Adult Services Worker sent Appellant an Advance Negative Action Notice informing her that HHS would be terminated effective ██████████.
11. On ██████████, Appellant's HHS certification for HHS expired.
12. On ██████████, Appellant's HHS case was closed.
13. On ██████████, the Department received a request for a hearing from the Appellant contesting the Department's negative action.

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.

Home Help Services (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.

Adult Services Manual (ASM) 155, pages 1-2 addresses HHS home visit requirements:

Independent living services (home help) cases must be reviewed every six months. A face-to-face contact is required with the client, in the home.

A face-to-face or phone contact must be made with the provider at six month review and redetermination to verify services are being furnished.

Note: If contact is made by phone, the provider must offer identifying information such as date of birth and the last four digits of their social security number. A face-to-face interview in the client's home or local DHS office must take place at the next review or redetermination.

Requirements for the review contact must include:

- A review of the current comprehensive assessment and service plan.
- Verification of the client's Medicaid eligibility, when home help services are being paid.

- Follow-up collateral contacts with significant others to assess their role in the case plan, if applicable.
- Review of client satisfaction with the delivery of planned services.
- Reevaluation of the level of care to assure there are no duplication of services.
- Contact must be made with the care provider, either by phone or face-to-face, to verify services are being provided.

Case documentation for **all** reviews must include:

- An update of the “**Disposition**” module in ASCAP.
- A review of **all** ASCAP modules with information updated as needed.
- A brief statement of the nature of the contact and who was present in the **Contact Details** module of ASCAP. A face-to-face contact entry with the client generates a case management billing.
- Documented contact with the home help provider.
- Expanded details of the contact in **General Narrative**, by clicking on **Add to & Go To Narrative** button in **Contacts** module.
- A record summary of progress in service plan.

Procedures and case documentation for the annual review are the same as the six month review, with the following addition(s):

- A new DHS-54A certification, if home help services are being paid.

Note: The medical needs form for SSI recipients and Disabled Adult Children (DAC) is **only** required at the initial opening and is not required for the redetermination process. All other Medicaid recipients will need to have a DHS-54A completed at the initial opening and annually thereafter.

- Contact must be made with the care provider, either by phone or face-to-face, to verify services are being provided.

The Department caseworker testified that she came to the home for the home visit. Appellant was not in the home and the caseworker was not allowed in the home. She

did not send the Appellant notice of the home visit because the case certification period was scheduled to end when she was assigned Appellant's case. Policy does not dictate that clients be given advance notice of a home visit. Notice is normally sent as a courtesy, but time was of the essence because of the scheduled expiration of Appellant's certification period.

Appellant testified that she did not have advance notice of the home visit so she was unprepared to let the caseworker into her home when the caseworker came to her house. She alleges that she tried to contact the worker by telephone to no avail.

This Administrative Law Judge finds that the Department representative provided detailed, credible evidence and testimony that she followed Department policy and procedure when she attempted to conduct a required home visit for purposes of HHS redetermination. This Administrative Law Judge finds that Appellant either was not at home or did not allow the home visit on the date the caseworker came to the home. There is no requirement in policy that Appellant must be given a second opportunity to conduct the in-home assessment. There is no explicit requirement in policy that Appellant must be given advance notice of the home visit the caseworker to conduct there required in home assessment. The worker was unable to complete the HHS in home assessment before the certification period ended. Home Help Services cannot be authorized prior to completing a face-to-face assessment with the client. While it may seem unfair that Appellant was not notified in advance of the in home assessment, the caseworker indicated that she was not contacted by Appellant to reschedule to home visit before the case closed nearly three weeks later. Appellant was not available for the home visit and did not establish credibly that she rescheduled the home visit. Though Appellant's testimony that she attempted to get in contact with the caseworker by telephone is credible, she could also have notified the caseworker in writing that she wanted to reschedule the home visit and did not do so.

The Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with Department policy when it denied Appellant's application for HHS benefits based upon its determination that Appellant was not available for her scheduled HHS home visit and when it determined that Appellant did not contact the department to reschedule the HHS home visit.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED THAT:

The Department's decision is **AFFIRMED**.



Landis Y. Lain
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Health and Human
Services

LYL [REDACTED]

cc: [REDACTED]

Date Signed: September 28, 2015

Date Mailed: September 28, 2015

***** 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.