

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

P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

██████████,

Appellant.

Docket No. 15-022721 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 ██████████. The Appellant appeared and offered testimony on his own behalf. ██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, Adult Services Worker (ASW), appeared as a witness for the Department.

ISSUE

Did the Department properly close the Appellant's Home Help Services (HHS) case?¹

FINDINGS OF FACT

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

1. As of ██████████, the Appellant was receiving HHS. (Exhibit A, p. 16; Testimony.)
2. On ██████████, the Appellant's Medicaid (MA) changed to a spend-down of \$ ██████████ and a scope of 1F to that of 2C. As of ██████████ and continuing the Appellant did not meet the spend-down amount. (Exhibit A, p. 9; Testimony.)
3. On ██████████, the Department sent the Appellant an advance negative action notice. The notice indicated the Appellant's HHS case

¹ The Appellant had a second issue regarding the Appellant's Medicaid eligibility. It appeared this matter was currently scheduled for a hearing. It was indicated to the parties, that my jurisdiction for this hearing was solely to determine whether or not the Department acted appropriately in closing the HHS case.

was being closed effective ██████████ due to the Appellant's Medicaid changing to a spenddown and being unmet. (Exhibit A, p. 6; Testimony.)

4. On ██████████, the Michigan Administrative Hearing System received the Appellant's Request for Hearing which contested the closure of his HHS case. (Exhibit A, p. 5; Testimony.)

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.

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.

The Adult Services Manual (ASM) addresses eligibility for Home Help Services:

Requirements

Home help eligibility requirements include **all** of the following:

- Medicaid eligibility.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment (DHS-324) indicating a functional limitation of level 3 or greater for activities of daily living (ADL).
- Appropriate Level of Care (LOC) status.

Medicaid/Medical Aid (MA)

The client may be eligible for MA under one of the following:

- All requirements for Medicaid have been met.
- MA deductible obligation has been met.

The client must have a scope of coverage of either:

- 1F or 2F.
- 1D or 1K (Freedom to Work).
- 1T (Healthy Kids Expansion).

Clients with a scope of coverage 20, 2C or 2B are not eligible for Medicaid until they have met their MA deductible obligation.

Note: A change in the scope of coverage in Bridges will generate a system tickler in ASCAP for active services cases.

Medicaid Personal Care Option

Clients in need of home help personal care services may become eligible for MA under the Medicaid personal care option.

Discuss this option with the client and coordinate implementation with the eligibility specialist.

Conditions of eligibility:

- The client meets all Medicaid eligibility factors except income.
- An independent living services case is open.
- The client is eligible for home help services.
- The cost of personal care services is **more** than the MA excess income amount.

Adult Services Manual (ASM) 105, 4-1-2015 pages 1-2 of 4

* * *

The ASW testified the Appellant's HHS case was closed as the Appellant did not meet the Medicaid eligibility as required by policy. The ASW specifically noted, the Appellant lacked the necessary Medicaid eligibility criteria as the Appellant's Medicaid expired on ██████████. The Department provided documentation to corroborate these statements.

The Appellant indicated he turned in documentation to meet his spenddown amount and furthermore was told by an Eligibility Specialist that he had active MA during the time period in question.

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Although I sympathize with the Appellant, the policy regarding this issue is clear. The applicable policy requires the Appellant to have an acceptable form of Medicaid and that if a spenddown exists, the spenddown must be met. In this case, at the time of the HHS closure, the Appellant did not have Medicaid. The fact, the Appellant testified he had turned in the necessary bills to meet the spenddown and was told by someone that he had active MA does not change anything. The testimony is self-serving and portions of it can be considered hearsay.


Based on the evidence presented, Appellant has failed to prove, by a preponderance of evidence, that the HHS closure was inappropriate. The applicable policy does not allow for HHS when the Appellant does not have Medicaid. Accordingly, the HHS closure is affirmed.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED THAT:

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


Corey Arendt
Administrative Law Judge
for Director, Nick Lyon
Michigan Department of Health and Human
Services

Date Mailed: February 16, 2016

CAA 

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.