

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-021770
Issue No.: ESO
Agency Case No.: [REDACTED]
Hearing Date: January 06, 2016
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 January 6, 2016¹, from Lansing, Michigan. [REDACTED], mother, represented the Petitioner. 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?

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 March 30, 2015, Petitioner applied for MA. (Department Exhibit B, pp. 4 through 27)

¹ The Petitioner's case was held in conjunction with 15-021768 and 15-021766. The Petitioners in those two cases are Petitioner's family members and the parties agreed to incorporate the hearing records for all three cases as the appeals all involved the same type of action.

2. On the MA application Petitioner marked that she was not a United States citizen, but was a naturalized or derived citizen and had eligible immigration status. (Department Exhibit B, p. 10)
3. Petitioner has been a Permanent Resident of the United States since July 7, 2011. (Department Exhibit B, p. 36)
4. Petitioner's application/case was initially approved for Emergency Services Only (ESO) MA coverage effective March 1, 2015. (Department Exhibit B pp. 31-33)
5. On August 27, 2015, Petitioner requested a hearing. (Department Exhibit B, p. 2)
6. The Department subsequently approved full Medicaid coverage for March 1, 2015, through November 30, 2015, as a verification period based on Petitioner's attestation on the MA application that she was a naturalized or derived citizen and had eligible immigration status. (Department Exhibit B, p. 1)
7. On November 13, 2015, a Benefit Notice was issued to Petitioner stating she was eligible for full Medicaid coverage for March 1, 2015, through November 30, 2015. (Department Exhibit B, pp. 34-35)

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 (October 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. 7-8)

When an applicant for Medicaid claims to be a U.S. citizen or to have qualified immigrant status, and all other eligibility factors are met, certify benefits. Once the case

has been open and coverage entered in Bridges, verification of citizenship must be completed. BAM 130, (October 1, 2014), p. 4.

On March 30, 2015, Petitioner applied for MA. (Department Exhibit B, pp. 4-27) On the MA application Petitioner marked that she was not a United States citizen, but was a naturalized or derived citizen and had eligible immigration status. (Department Exhibit B, p. 10) Petitioner's application/case was initially approved for Emergency Services Only (ESO) MA coverage effective March 1, 2015. (Department Exhibit B, pp. 31-33)

On August 27, 2015, Petitioner requested a hearing contesting the MA determination. (Department Exhibit B, p. 2) However, the verification in the Department's hearing packet shows that Petitioner has only been a Permanent Resident of the United States since July 7, 2011. (Department Exhibit B, p. 36)

The Department subsequently approved full Medicaid coverage for March 1, 2015, through November 30, 2015, as a verification period based on Petitioner's attestation on the MA application that she was a naturalized or derived citizen and had eligible immigration status. (Department Exhibit B, p. 1) On November 13, 2015, a Benefit Notice was issued to Petitioner stating she was eligible for full Medicaid coverage for March 1, 2015, through November 30, 2015. (Department Exhibit B, pp. 34-35)

As discussed during the hearing proceedings, 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 December 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 MA coverage.

DECISION AND ORDER

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

Colleen Lack

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

Date Mailed: **1/19/2016**

CL/las

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:

[REDACTED]