

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

P.O. Box 30763, Lansing, MI 48909
(517) 373-0722; Fax: (517) 373-4147

IN THE MATTER OF:

MAHS Docket No. 15-018343 HHS

██████████

██████████

██████████

Appellant.

_____ /

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 C.F.R. § 431.200 *et seq.*, upon Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. Appellant, represented by his daughter ██████████, appeared and testified on his own behalf. ██████████, Appeals Review Officer, represented the Department of Health and Human Services (DHHS or Department). ██████████, Adult Services Worker, appeared as a witness for the Department.

ISSUE

Did the Department properly close his home help services because the Appellant's physician did not certify a medical need for 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 █████-year-old Medicaid beneficiary, born January 1, 1949. (Exhibit 8).
2. Appellant has been receiving Home Help Services (HHS) at all times pertinent to this case. (Exhibit A, p 4).
3. On ██████████, the Adult Services Worker sent an Advance Negative Action Notice to Appellant informing his that his home help services would be terminated effective ██████████. (Exhibit A, p 2).

Docket No. 15-018343 HHS
Decision and Order

4. Policy provides that persons cannot receive HHS without certification of medical need. (Exhibit A, p 22; Testimony)
5. Appellant's daughter testified in a credible manner that she timely submitted documentation showing that Appellant did have a medical need. Appellant also testified that she called her worker to let her know she had submitted the documentation and to ask the worker if she had received it. (Testimony).
6. The Adult Services Worker credibly testified that she had received telephone calls from Appellant's daughter informing her that she had dropped off the required documentation and asking if she had received it. (Testimony).
7. On [REDACTED], Michigan Administrative Hearing System received Appellant's Request for Hearing. (Exhibit A, p 4).
8. On [REDACTED] in response to the record being left open, this Administrative Law Judge received an email from the Department indicating the medical documentation that Appellant's daughter testified she had turned into the Department had been located and was date stamped [REDACTED] (ALJ Ex 1).

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 are available if the client meets all eligibility requirements. ASM 105, p 1 (4/1/2015). 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.

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

- Medicaid eligibility.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment indicating a functional limitation of level 3 or greater for at least one activity of daily living (ADL).

██████████
Docket No. 15-018343 HHS
Decision and Order

- Appropriate Level of Care (LOC) status. ASM 105, p 1.

In this case, the Department's Adult Services Worker (ASW) testified that on ██████████, she gave Appellant a Medical Needs Form, which was due back to the Department on ██████████. The ASW testified that Appellant's HHS benefits were closed on ██████████ because the Medical Needs Form had not been returned.

Appellant's daughter credibly testified that she dropped off the Medical Needs form in-person to the Department on ██████████, and was informed it would be scanned and added to her father's file. Appellant's daughter also testified that she called the ASW to let her know she had dropped the form off and to ask if the ASW had received it. The ASW credibly testified that Appellant's daughter had left her both messages.

The hearing record was left open to give the Department the opportunity to search the files to see if they could locate the Medical Needs form. This Administrative Law Judge was notified by the Department, on ██████████ that Appellant's daughter had timely turned in the Medical Needs form on ██████████.

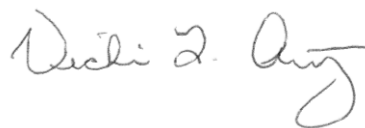
As such, given the evidence presented, the Department erred in closing Appellant's HHS case for failure to timely submit the Medical Needs form indicating Appellant had certification of medical need for HHS benefits.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED THAT:

The Department's decision is **REVERSED**. The Department shall initiate a Redetermination of Home Help Services retroactive to the date of closure based on the evidence supporting a certification of medical need.



Vicki L. Armstrong
Administrative Law Judge
For Nick Lyon, Director

Michigan Department of Health and Human Services

Date Signed: ██████████

Date Mailed: ██████████

Docket No. 15-018343 HHS
Decision and Order

VLA/db

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

***** 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.