



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 11, 2016
MAHS Docket No.: 15-024814
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Pursuant to a September 8, 2014 federal lawsuit, the Michigan Department of Health and Human Services (MDHHS) issued notices to Medicaid applicants and recipients who were potentially denied full Medicaid coverage between January 2014 and May 2015, based on immigration status. The notices 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 3-way telephone hearing was held on March 10, 2016, from Detroit, Michigan. Petitioner did not appear. Petitioner was represented by [REDACTED], Petitioner's spouse and authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly restricted Petitioner's Medical Assistance (MA) eligibility to emergency-services-only (ESO) due to immigration/citizenship status.

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 an unspecified date, MDHHS determined Petitioner to be eligible for Medicaid restricted to ESO, effective April 2014.
2. During the time in dispute, Petitioner was eligible for unrestricted Medicaid benefits.

3. On [REDACTED], Petitioner's AHR requested a hearing to dispute the restriction of Medicaid to ESO.
4. On an unspecified date, MDHHS issued unrestricted Medicaid coverage to Petitioner for the months from April 2014 through May 2015.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), Modified Adjusted Gross Income (MAGI) manual, and Related Eligibility Manual (REM).

Petitioner requested a hearing to dispute an ESO restriction of Medicaid eligibility. Petitioner's hearing request did not specify which months were disputed. MDHHS presented a Health Care Coverage Determination Notice (Exhibit 1, pp. 4-7) dated [REDACTED]. The notice indicated a restriction of ESO coverage began in April 2014. It is plausible a restriction began earlier, however presented Medicaid Eligibility documents (Exhibit 1, pp. 1-3) also indicated Medicaid eligibility beginning April 2014. It is found Petitioner's Medicaid dispute began April 2014.

MDHHS testimony conceded Petitioner's MA eligibility was improperly restricted. MDHHS testimony also indicated Petitioner's MA coverage was corrected for all months when an ESO restriction was imposed.

Presented Medicaid Eligibility documents dated [REDACTED], (Exhibit 1, pp. 1-2) verified Petitioner received Healthy Michigan Plan (HMP) for the months from April 2014 through May 2015. The presented documents sufficiently verified MDHHS removed any ESO restrictions for those months.

Though the eventual correction of Petitioner MA eligibility was not ideal, it is the maximum remedy Petitioner can receive. It is found MDHHS resolved Petitioner's MA eligibility dispute; accordingly, Petitioner's hearing request will be dismissed.

It should be noted that Petitioner's AHR also disputed an ESO restriction to Petitioner's ongoing Medicaid coverage. The dispute is outside of the scope of the present hearing which is limited to ESO disputes from January 2014 through May 2015. Petitioner's AHR was advised to request a hearing concerning her spouse's MA coverage for any ongoing disputes.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS issued full Medicaid coverage to Petitioner for the period from April 2014 through May 2015. Petitioner's hearing request is **DISMISSED**.

CG/hw



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]