



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: April 4, 2016
MAHS Docket No.: 15-024875
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 March 9, 2016, from Lansing, Michigan. [REDACTED], the Petitioner appeared on his own behalf. The Department was represented by Dawn McCoy, Hearing Facilitator. Hubert Huh, Linguistica International, provided interpretation services during the hearing.

During the hearing proceedings, the Department's Hearing Summary packet for Petitioner's case was admitted as Department Exhibit A, pp. 1-22.

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 April 25, 2014, Petitioner applied for MA. (Department Exhibit A, pp. 5-16)

2. On the April 25, 2014, MA application, Petitioner attested to having eligible immigration status. (Department Exhibit A, p. 7)
3. Petitioner's application was initially approved for Emergency Services Only (ESO) MA coverage. (Department Exhibit A, p. 1)
4. On August 27, 2015, Petitioner filed a hearing request contesting the Department's determination. (Department Exhibit A, p. 2)
5. The Department subsequently approved full MA coverage for April 2014 through November 2015. (Department Exhibit A, pp. 1 and 17-19)
6. On January 29, 2016, a Benefit Notice was issued to Petitioner stating he was eligible for full Medicaid coverage from April 2014 through November 2015. (Department Exhibit A, pp. 21-22)

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. (Department Exhibit A, p. 2)

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 (January 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. Attempt to verify citizenship through a data match such as the Social Security Administration or a DCH vital records match. MAGI-related applicants will

have citizenship and identity verified if the application comes to DHS via the Federally Facilitated Marketplace (FFM) or MAGI rules engine. If there is a discrepancy with the information or it is not available then contact with the beneficiary is necessary; see BEM 221 and 225. BAM 130, (October 1, 2014), p. 4.

On April 25, 2014, Petitioner applied for MA. (Department Exhibit A, pp. 5-16) Petitioner's application was initially approved for Emergency Services Only (ESO) MA coverage. (Department Exhibit A, p. 1)

However, on the April 25, 2014, MA application, Petitioner attested to having eligible immigration status. (Department Exhibit A, p. 7) Accordingly, the BAM 130 policy allowing for full MA coverage to be certified pending verification should have been applied when Petitioner's application was initially processed. Further, the Department received a verification on May 6, 2014, indicating Petitioner was admitted to the U.S. in February 2005. (Department Exhibit A, p. 20) This is consistent with Petitioner's testimony that he has lived here for 11 years and has a green card. The Department subsequently approved full MA coverage for April 2014 through November 2015. (Department Exhibit A, pp. 1 and 17-19) On January 29, 2016, a Benefit Notice was issued to Petitioner stating he was eligible for full Medicaid coverage from April 2014 through November 2015. (Department Exhibit A, pp. 21-22) The Eligibility Specialist indicated that if Petitioner's MA case has closed, it was based on other reasons and Petitioner can follow up with the local Department office. Petitioner would have 90 days from the date of a written notice of case action to file a timely hearing request. See BAM 600, October 1, 2015, p. 6. Additionally, Petitioner may wish to re-apply for MA if his case has closed.

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**.

CL/mc



Colleen Lack
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

2651 Coolidge Rd, Suite 100
East Lansing, MI
48823

DHHS Special Processing Office

Petitioner

