



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 25, 2016
MAHS Docket No.: 16-000525
Agency No.: 0
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 Petitioner's request for a hearing.

After due notice, a hearing was held on [REDACTED]. Petitioner appeared on his own behalf. [REDACTED], Appeals Review Officer and [REDACTED], Adult Services Supervisor represented the Department of Health and Human Services (Department).

State's Exhibit A pages 1-13 were admitted as evidence.

ISSUE

Whether Petitioner has standing to contest the amount of Home Help Services (HHS) granted to the Department's client?

FINDINGS OF FACT

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

1. [REDACTED] (Client) is a Medicaid recipient who has been granted HHS in the amount of \$ [REDACTED] per month.
2. Petitioner is the chore provider for [REDACTED].
3. On [REDACTED], the Department received a Request for Hearing from Petitioner to contest the amount of HHS for [REDACTED].

CONCLUSIONS OF LAW

The Medical Assistance Program (MA) 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 Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

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 health professional and may be provided by individuals or by private or public agencies.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. The department provides an administrative hearing to review the decision and determine its appropriateness in accordance to policy. This item includes procedures to meet the minimum requirements for a fair hearing. Bridges Administrative Manual (BAM) 600, page 1.

Department policy requires that department workers continually reassess case planning to provide necessary supports to clients to enhance and preserve client's quality of life.

The service plan directs the movement and progress toward goals identified jointly by the client and specialist. **Service plans are to be completed on all new cases, updated as often as necessary, but minimally at the six month review and annual reassessment. ASM 130, pages 1-2.**

Service plan development practices will include the use of the following skills:

- **Listen actively** to the client.
- Encourage clients to **explore options** and select the appropriate services and supports.
- Monitor for **congruency** between case assessment and service plan.
- Provide the necessary supports to **assist clients in applying for resources**.
- Continually **reassess** case planning.
- Enhance/preserve the client's **quality of life**.

Monitor and document the status of all **referrals** to waiver programs and other community resources **to ensure quality outcomes**. ASM 130, page 2

Clients have the right to be treated with dignity and respect. For general complaints for all programs, clients have the right to make complaints to the:

Michigan Department of Health and Human Services
Specialized Action Center
235 S. Grand Avenue
P.O. Box 30037
Lansing, MI 48909
Or call (855) 275-6424 or (855) ASK-MICH.

Complaints that are deemed to be potential ADA or discrimination claims will be routed directly to the county director. The county director will use the Office of Human Resources (OHR) to properly address all aspects of the allegations. All other complaints that come through the Specialized Action Center will be routed to the customer information specialist in the district/county office for follow-up. Bridges Administrative Manual (BAM) 105, page 3.

Petitioner indicates that he needs to be paid for more cleaning hours seven days per week because he prepares meals for his mother three times per day and he cannot cook in a dirty kitchen. He has not been given sufficient hours by the Department caseworker to complete the tasks that he actually has to perform.

The client must personally make her complaint to the Department for a change in caseworkers or for a change in the amount of HHS benefits she is allowed.

At the conclusion of this hearing it was determined that no negative action has been taken against Petitioner. He is not the Medicaid or HHS recipient. He does not have express permission to represent Petitioner. The client did not sign the Request for Hearing or provide signed permission that Petitioner has standing to bring this action.

The above matter must be DISMISSED for lack of jurisdiction because there has been no Department of Health and Human Services denial, reduction, suspension or termination of a requested Medicaid covered service. If Petitioner is dissatisfied with the amount of services she receives, she must bring this action and sign a request for Hearing or give Petitioner express permission to act on her behalf. Petitioner has no standing to bring this action

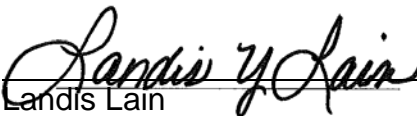
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that Petitioner's request for a hearing is DISMISSED as Petitioner does not have standing to request a reassessment of eligibility for Petitioner without Petitioner's express permission.

IT IS, THEREFORE, ORDERED that:

The Department's decision in regards to the amount of HHS for the client is **AFFIRMED**.

LL ■



Landis Lain
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 30763
Lansing, Michigan 48909-8139

Petitioner

[REDACTED]

Agency Representative

[REDACTED]

DHHS Department Rep.

[REDACTED]

DHHS -Dept Contact

[REDACTED]