



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: May 23, 2016  
MAHS Docket No.: 16-002725  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 19, 2016, from Lansing, Michigan. Petitioner was represented by his spouse [REDACTED]. The Department was represented by LTC Worker [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1 - 29 was admitted into evidence.

### **ISSUE**

Did the Department properly determine the amount of Petitioner's patient pay amount for Long Term Care (LTC) on February 18, 2016?

### **FINDINGS OF FACT**

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

1. Petitioner was an ongoing recipient of Medical Assistance (MA) LTC benefits. Petitioner's eligibility was due for re-determination by March 1, 2016.
2. On January 27, 2016, Petitioner's spouse submitted the required re-determination paperwork.
3. On February 18, 2016, the Department updated the expenses in Petitioner's patient pay financial eligibility budget and re-determined his LTC eligibility. The Department issued a Health Care Coverage Determination Notice (DHS-1606) which stated that Petitioner was eligible with a patient pay amount of \$ [REDACTED].

4. On January 29, 2016, Petitioner's spouse submitted a hearing request.

### **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), 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 (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

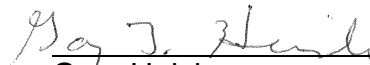
During this hearing the Department LTC Worker explained that Petitioner's patient pay amount changed because a health insurance premium for his spouse, which had incorrectly been included in Petitioner's financial eligibility budget, was removed. It was also explained that a correction was made to how much of Petitioner's VA benefits were included in the financial eligibility budget. Petitioner's spouse does not dispute the incomes and expenses used in the Department's eligibility determination. Petitioner's spouse requested this hearing based on her ability to pay the patient pay amount.

Petitioner's financial eligibility budget was reviewed during this hearing and found to be correct. 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 acted in accordance with Department policy when it determined the amount of Petitioner's patient pay amount for [REDACTED] (LTC) on February 18, 2016.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

GH/nr



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Gary Heisler  
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]