



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: May 19, 2016
MAHS Docket No.: 16-004289
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

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 Appellant's request for a hearing.

After due notice, a hearing was held on [REDACTED]. The Petitioner appeared and offered testimony on his own behalf. [REDACTED], Appeals Review Officer, represented the Department. [REDACTED], Adult Services Worker ("ASW"), appeared as a witness for the Department.

ISSUE

Did the Department properly terminate the Appellant's Home Help Services ("HHS") case?

FINDINGS OF FACT

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

1. As of [REDACTED], the Petitioner was eligible for and receiving HHS benefits. (Exhibit A, p. 5; Testimony.)
2. On [REDACTED], the Department received a completed 54A. The 54A indicated the Petitioner did not have a medical need that required assistance with a single personal care activity. (Exhibit A, p. 15; Testimony.)
3. On [REDACTED], the Department sent the Petitioner an Advance Negative action notice. The notice indicated the Petitioner's HHS case was being terminated based upon the information contained in the [REDACTED] 54A. (Exhibit A, pp. 5-8; Testimony.)

4. On [REDACTED], the Michigan Administrative Hearings System received the Petitioner's request for hearing. (Exhibit A, p. 4.)

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 (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.

Adult Services Manual (ASM) 101, 12-1-13, addresses HHS payments:

Payment Services Home Help

Home help services are non-specialized personal care service activities provided under the independent living services program to persons who meet eligibility requirements.

Home help services are provided to enable individuals with functional limitation(s), resulting from a medical or physical disability or cognitive impairment to live independently and receive care in the least restrictive, preferred settings.

ASM 101,
12-1-2013, p 1.

Adult Services Manual (ASM) 105, 4-1-15, addresses HHS eligibility requirements:

Requirements

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).

- Appropriate Level of Care (LOC) status.

ASM 105,
4-1-15, p 1.

Adult Services Manual (ASM) 115, 4-1-15, addresses the Medical Needs Form:

The DHS-54A, Medical Needs form must be signed and dated by a medical professional certifying a medical need for personal care services.

ASM 115,
4-1-2015, p 1.

The 54A was completed by one of the Petitioner's treating health providers. The 54A did not indicate a medical need for assistance with any personal care activities.

Although the Petitioner indicated he needed assistance, the Petitioner failed to provide evidence of a completed 54A being turned in that indicated a need for HHS as required by the policy found above.

Accordingly, the termination of the Petitioner's HHS case must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly terminated the Petitioner's HHS case based on the available information.

IT IS THEREFORE ORDERED THAT:

The Department's decision is **AFFIRMED**.

CA ■



Corey Arendt
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

DHHS

[REDACTED]

Petitioner

[REDACTED]

DHHS Department Rep.

[REDACTED]

DHHS -Dept Contact

[REDACTED]

Agency Representative

[REDACTED]