



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 20, 2016
MAHS Docket No.: 15-026771
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 2, 2016, from Detroit, Michigan. Petitioner and represented herself. Her husband [REDACTED] testified on her behalf. The Department was represented by [REDACTED], Eligibility Specialist. [REDACTED] served as translator ([REDACTED]) during the hearing.

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 January 29, 2015 Petitioner applied for MA (Exhibit A, pp. 5-13).
2. On the date of MA application, Petitioner was not a United States citizen.

3. The Department approved Petitioner for Emergency Services Only (ESO) MA coverage.
4. On an unknown date, the Department issued a notice to the Petitioner indicating she may have been denied full MA coverage based on immigration status between January 2014 and May 2015.
5. On August 31, 2015, Petitioner requested a hearing (Exhibit A, p. 2).

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 Department granting her ESO MA rather than full-coverage MA. To be eligible for full-coverage MA, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225 (October 2014), p. 2. An individual who is a permanent resident alien with a class code on the permanent residency card other than RE, AM or AS is eligible only for ESO MA coverage for the first five years in the U.S. unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien. BEM 225, pp. 7-8, 30; MREM, § 3.6. A qualified military alien is a qualified alien on active duty in, or veteran honorably discharged from, the U.S. Armed Forces. BEM 225, p. 5; MREM, § 3.6. A person who does not meet an acceptable alien status, including undocumented aliens and non-immigrants who have stayed beyond the period authorized by the U.S. Citizenship and Immigration Services, are eligible only for ESO MA coverage. BEM 225, p. 9. The alien status of each non-citizen must be verified to be eligible for full MA coverage. BEM 225, p. 2.

In this case, the Department testified that Petitioner was initially approved for ESO from January 2015 to October 2015 and received full coverage MA for November 2015 due to Department error. After Petitioner filed her hearing request, it reassessed her MA eligibility. Based on Petitioner's statements in her MA application that she was a

naturalized U.S. citizen and because the Department had failed to verify Petitioner's citizenship/immigration status at the time of application in accordance with BAM 130 (October 2014), p. 4, it activated full-coverage MA for her from January 2015, when she was initially approved for MA, through October 2015. A May 2, 2016 Benefit Notice sent to Petitioner advised her that she received full coverage MA for January 2015 to October 2015 (Exhibit A, pp. 30-31). An October 13, 2015 Notice of Case Action notified Petitioner that she had full coverage MA for November 1, 2015 ongoing (Exhibit A, pp. 21-23). The Department's evidence showed that Petitioner had full coverage MA through November 30, 2015 (Exhibit A, p. 15).

At the hearing, Petitioner's husband expressed concerns about several unpaid medical bills for services incurred in connection with Petitioner's pregnancy and birth of their son in October 2015. Petitioner's husband was advised to request that the providers rebill MA, particularly in light of the fact that full coverage MA for Petitioner for October 2015 may not have been activated until May 2016, in connection with the Department's reassessment of Petitioner's case in response to her request for hearing. Petitioner's husband was further advised to request a hearing if he continued to have concerns regarding unpaid bills during periods that Petitioner's MA coverage was converted to full-coverage.

The evidence at the hearing further showed that Petitioner's case converted to a deductible case in December 2015 and it appears from the eligibility summary that this coverage continued through January 2016 (Exhibit A, pp. 14-15). Effective February 1, 2016, Petitioner's case closed. Because the conversion of Petitioner's MA case to a deductible case and the closure of her case were for reasons unrelated to Petitioner's immigration status, they are outside of the scope of this hearing decision.

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 properly determined Petitioner's immigration status or citizenship when determining MA eligibility.

DECISION AND ORDER

Accordingly, the Department's determination about MA eligibility based on immigration status is **AFFIRMED**.

ACE/tlf



Alice C. Elkin
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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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