



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: June 20, 2016
MAHS Docket No.: 16-004792
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 May 24, 2016, from Lansing, Michigan. Petitioner was represented by her spouse, [REDACTED] and her daughter [REDACTED]. Long Term Care Worker [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1-41 was admitted into evidence.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medical Assistance (MA) Long Term Care?

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 March 3, 2016, the Department received: a Medicaid Application Patient of Nursing Facility (DHS-4574) for Petitioner; an Asset Declaration Patient and Spouse (DHS-4574-B) form; a Retroactive Medicaid Application (DHS-3243); verification that Petitioner's monthly income was \$ [REDACTED] and verification that Petitioner's spouse's monthly income was \$ [REDACTED]
2. On March 16, 2016, the Department issued a Verification Checklist (DHS-3503) for bank account balances.

3. On March 29, 2016, Petitioner was sent a Health Care Coverage Determination Notice (DHS-1606) which stated she was eligible for full coverage for December 2015 and from January 1, 2016 ongoing with a \$ [REDACTED] patient pay amount.
4. On April 7, 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.

Bridges Eligibility Manual (BEM) 546 Post-Eligibility Patient-Pay Amounts describes how the Department determines all the aspects of eligibility for MA LTC benefits. On page 5, it provides the maximum community spouse allowance. At the time of this eligibility determination the maximum community spouse allowance was \$ [REDACTED]. The policy goes on to state that the community spouse allowance is computed by subtracting the community spouses countable income from the total allowance calculated. In this case Petitioner's spouse has a countable income of \$ [REDACTED] and the maximum community spouse allowance is \$ [REDACTED]. Therefore, none of Petitioner's countable income is removed from calculating her patient pay amount.

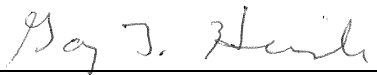
During this hearing Petitioner's spouse inquired if Chapter 13 bankruptcy payments were considered in any of the eligibility calculations. Department policy contains no allowances or exceptions for Chapter 13 bankruptcy payments.

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 Petitioner's eligibility for Medical Assistance (MA) Long Term Care.

DECISION AND ORDER

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

GH/nr



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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]