



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: June 6, 2016
MAHS Docket No.: 16-005676
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 June 2, 2016, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED]. [REDACTED], Hearings Facilitator, observed the hearing with the consent of the parties.

ISSUE

Did the Department properly determine that certain expenses were not allowable for purposes of meeting Petitioner's medical expense deductible?

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 is an on-going recipient of Medical Assistance (MA).
2. Petitioner is a regular user of essential oils and other similar products which she considers part of her medical care.
3. The Department did not allow the cost of those essential oils as an expense for purposes of meeting her monthly MA deductible.

4. Petitioner requested a hearing on March 23, 2016, contesting the denial of those expenses as far back as 2014. During the hearing, Petitioner agreed that the only issue to be heard is whether she is allowed those expenses for the months of January, February, and March of 2016.

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.

In this case, Petitioner is an on-going MA recipient. Petitioner submitted as Exhibit 2 copies of invoices for items such as Peace Essential Oil, Console Essential Oil, Lip Balm with Peppermint and Wild Orange. Several of the products are identified as essential oils. MA Group 2 Income Eligibility is found in BEM 545 (7/1/16) p. 16-18 which identifies the medical expenses that are allowable. Allowable medical expenses include medical services provided by a lengthy list of professionals, the purchase, repair and rental of medical supplies, prescription drugs, non-prescription pain relievers that are prescribed by a doctor or dispensed by a pharmacy, and non-legend drugs and supplies.

It does not include medicine chest and first aid supplies, such as:

- Band-Aids.
- Alcohol.
- Cotton swabs.
- Nonprescription cold remedies.
- Ointments.
- Thermometers.

Based upon the descriptions of the types of services, supplies, and products that are allowed as expenses, and the types of products that are not allowed as expenses, essential oils fall within the latter group. They are similar to ointments. There is no evidence that the products are prescribed by a health care professional. They might be

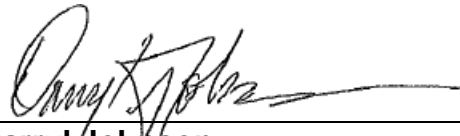
recommended, but they are not prescribed. Because of that, they are not an allowable medical expense.

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 essential oils and other holistic/alternative treatment products are not an allowable expense for the purpose of meeting her monthly MA deductible.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
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]