



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: September 26, 2016
MAHS Docket No.: 16-012070
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 September 22, 2016, from Lansing, Michigan. Petitioner appeared and represented herself. [REDACTED], Hearing Facilitator, represented the Department of Health and Human Services (Department).

The Department offered the following exhibits which were admitted into evidence: **Exhibit 1**: (pages 1-22). Petitioner did not offer any exhibits into evidence. The record closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine Petitioner's and Petitioner's group member's Medical Assistance (MA) or "Medicaid" program benefits?

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 active for MA benefits.
2. On or about July 29, 2015, Petitioner obtained guardianship over her nephew ([REDACTED] an 11 year-old boy. [Exhibit 1, p. 12].
3. At some point in time, [REDACTED] was insured through Meridian Health Plan of Michigan ("Meridian"). [Exh. 1, p. 11].

4. Petitioner requested that [REDACTED] be removed from his mother's case and added to her case as a minor child household member.
5. The Department removed [REDACTED] from his mother's case and added [REDACTED] to Petitioner's MA case. [Exh. 1, p. 14].
6. The Department provided [REDACTED] with full MA coverage, but apparently added the coverage retroactively back to September 1, 2015.
7. On March 4, 2016, the Department mailed Petitioner a Health Care Coverage Determination Notice which added [REDACTED] to her case with "Full Coverage" effective March 1, 2016 ongoing. [Exhibit 1, pp. 6-8].
8. On July 27, 2016, Petitioner received a letter from [REDACTED] which indicated that [REDACTED] had a balance on his account in the amount of \$ [REDACTED] because Meridian had voided some payments that were previously made. According to Meridian, [REDACTED] was retroactively covered by MA on August 31, 2015. [Exh. 1, p. 16].
9. Petitioner believed that the Department erred when it retroactively provided [REDACTED] with MA coverage. This, according to Petitioner, caused Meridian to void \$ [REDACTED] in payments that were previously made for services rendered to [REDACTED].
10. On or about September 2, 2016, Petitioner requested a hearing concerning her MA coverage, Food Assistance Program (FAP) benefits and Family Independence Program (FIP) benefits.

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).

FIP and FAP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The

Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

During the hearing, Petitioner stated on the record that she wished to withdraw her request for hearing concerning FAP and FIP.

MA

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.

According to BAM 105 (4-1-2016) at page 1, the Department's local office must do all of the following: (1) determine eligibility; (2) calculate the level of benefits; and (3) protect client rights. The local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105, p. 15.

In the instant matter, Petitioner requested a hearing because she believes the Department erroneously provided her nephew (█████) with retroactive MA coverage. This caused Meridian ██████'s prior medical insurer) to void some payments and caused the provider ████████████████████) to send a bill to Petitioner for payment of these services. The Department does not dispute Petitioner's contentions and the representative who attended the hearing indicated on the record that she would be willing to assist Petitioner to resolve the issue pursuant to BAM 105. There is no evidence that the Department failed to follow policy, but there was not sufficient information provided to the Administrative Law Judge to make this determination.

Prior to the closure of the hearing record, the parties have mutually reached an agreement to resolve this matter. The Department representative indicated that the local office would conduct a full investigation and make a good faith effort to assist Petitioner attempt to resolve this issue. Petitioner acknowledged the above and expressed satisfaction with the Department's offer of assistance. Because the parties have mutually reached an agreement to resolve this matter, there is no longer a pending dispute for the Administrative Law Judge to decide. It was unclear at the time of the hearing whether the Department was capable of correcting any errors that may have occurred. However, the Department representative agreed that the Administrative Law Judge should issue a decision that may assist the local office investigate the issue and, possibly, resolve the matter.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it added A.B. as a member to Petitioner's MA case.

DECISION AND ORDER

Pursuant to the withdrawal of the hearing request filed in this matter concerning FIP and FAP, the Requests for Hearing is, hereby, **DISMISSED**.

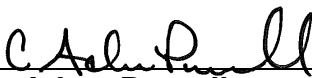
With regard to the Petitioner's MA Request for Hearing, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate an investigation concerning A.B. retroactive MA coverage, if not already done so and, initiate a redetermination of Petitioner's and Petitioner's nephew/group member's (A.B.'s) eligibility for MA benefits, if necessary and/or required by applicable policies,.
2. If an investigation is conducted and if the Department determines that changes must be taken, the Department shall request a ticket to implement the necessary changes to Petitioner's or Petitioner's nephew/group member (A.B.) MA cases, if any.
3. The Department shall communicate with Petitioner of its findings following the MA investigation concerning A.B.'s retroactive MA coverage, if any.

IT IS SO ORDERED.

CP/las



C. Adam Purnell
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

A large black rectangular redaction box covering several lines of text.A large black rectangular redaction box covering several lines of text.

Petitioner

A large black rectangular redaction box covering several lines of text.