



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 2, 2016
MAHS Docket No.: 16-003730
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 2, 2016, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine the Petitioner's Medical Assistance (MA) spenddown?

FINDINGS OF FACT

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

1. The Petitioner currently receives MA with a spenddown of \$ [REDACTED]
2. The Petitioner currently receives Retirement, Survivors and Disability Insurance (RSDI) in the amount of \$ [REDACTED] as a widow and her own RSDI of \$ [REDACTED] for a total unearned income of \$ [REDACTED] Exhibit 2.
3. The Department issued a Health Care Coverage Determination Notice dated November 5, 2015, advising the Petitioner that she was eligible effective December 1, 2015, for MA with a spenddown of \$ [REDACTED] monthly deductible. Exhibit 1. The spenddown amount was lowered to \$ [REDACTED] after the Department began deducting the Petitioner's Medicare Part B premium she now pays in the amount of \$ [REDACTED] Exhibit 4.

4. The Petitioner requested a timely hearing on March 14, 2016, protesting the Department's actions.

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, the Petitioner's earned income from Social Security increased and caused the Department to place the Petitioner on a spenddown. The Department imposed a spenddown (deductible) in the amount of \$ [REDACTED] initially and then reduced the deductible to \$ [REDACTED] due to the Medicare Part B premium in the amount of \$ [REDACTED] which is deducted from Petitioner's income to reduce it. The MA spenddown budget was reviewed at the hearing to determine if the Department correctly determined the Petitioner's spenddown amount and that it was based on the correct income. The Department correctly included \$ [REDACTED] monthly RSDI received by Petitioner from Social Security benefits. Petitioner confirmed this amount. Exhibit 4.

Clients who are not eligible for full MA coverage because their net income exceeds the applicable Group 2 MA Protected Income Levels (PIL) based on their shelter area and fiscal group size, are eligible for MA coverage under the deductible program with the deductible equal to the amount their monthly net income exceeds the PIL. BEM 135 (January 2011), p. 2; BEM 544 (August 2008), p. 1; BEM 545 (July 2011), p. 2; RFT 240 (July 2007), p. 1.

In this case, the monthly PIL for an MA group of one (Petitioner) living in Wayne County is \$ [REDACTED] BEM 211 (November 2012), p. 5; RFT 200 (July 2007), p. 1; RFT 240, p. 1. Therefore, Petitioner's MA coverage is subject to a deductible if Petitioner's monthly net income, based on her gross income, is greater than \$ [REDACTED]

In this case, the Department produced an Supplemental Security Income (SSI)-Related MA budget showing how the deductible in Petitioner's case was calculated. Exhibit 4. Petitioner confirmed her monthly gross income amount from RSDI. Thus, the Department properly concluded that Petitioner's gross income was \$ [REDACTED] This amount is reduced by a \$ [REDACTED] disregard, resulting in a net unearned income of \$ [REDACTED] See BEM 163, p. 2; BEM 530 (October 1, 2012); BEM 541 (January 1,

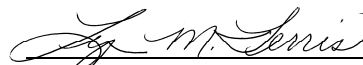
2011), p. 5. Other expenses were presented for the Medicare Part B premium in the amount of \$ [REDACTED] which was also deducted resulting in Countable income of \$ [REDACTED]. The final step is to deduct the \$ [REDACTED] PIL from the net income of \$ [REDACTED] which results in a deductible of \$ [REDACTED]. In the budget presented, the Petitioner did not present any medical bills, which will also cause a reduction in the deductible spenddown amount but only when bills are presented to the Department.

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 correctly calculated the Petitioner's spenddown amount.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris
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]

cc:

[REDACTED]