



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 3, 2016
MAHS Docket No.: 16-003739
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] Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's spenddown Medical Assistance (MA) case for failure to meet her MA deductible in the past three (3) months?

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 was an ongoing recipient of MA benefits subject to a spenddown.
2. The Petitioner completed a Redetermination; and as part of the review, the Department determined that Petitioner had not submitted any medical bills for the past three (3) months, and thus, had not met her deductible for the past three (3) months.
3. The Department sent the Petitioner a Health Care Coverage Determination Notice dated December 3, 2015. Exhibit 1.

4. The Petitioner requested a timely hearing on March 9, 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, the Department issued a Health Care Coverage Determination Notice on December 3, 2015, closing her MA for failure to meet deductible in the past three (3) months. The Petitioner conceded during the hearing that she had not submitted medical bills to the Department for at least three (3) months. Also, at the time the Petitioner completed a Redetermination at which time the Department determined that no medical bills had been submitted and that Petitioner had not met her deductible within the past three (3) months. Department policy in BEM 545 provides:

Redetermine eligibility for active deductible cases at least every 12 months unless the group has not met its deductible within the past three months.

If a group has not met its deductible in at least one of the three calendar months before that month **and** none of the members are QMB, SLM or ALM eligible, Bridges will automatically notify the group of closure. BEM 545 (January 1, 2016) p. 11.

EXAMPLE 6

Deductible Not Met in Three Months

Jodi H. has an active deductible case. Her redetermination is due 1/02.

12/6/01 - Jodi's case appears on the 12/01 RD-093. You review the case and determine that Jodi has not met her deductible in 9/01, 10/01 and 11/01.

Bridges automatically generates a negative action notice; see RFS 104, MI health Card Schedule. BEM 545 (January 1, 2016) pp. 28-29.

Although the Petitioner testified that she did not receive the Health Care Notice closing her MA case, the Notice was sent to her at the correct address, and is thus, presumed received. Petitioner testified that she had no problems with her mail that she knew of. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). The Petitioner also testified that she did not know that she had to submit her medical bills monthly. Notwithstanding this testimony, the Notices sent to Petitioner when approved for a spenddown almost always include an expense sheet, which is used to report monthly medical expenses.

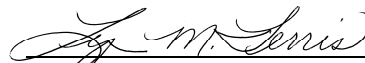
In conclusion, it is determined that the Department properly closed the Petitioner's MA case for failure to submit medical bills to meet her deductible within the past three (3) months.

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 closed the Petitioner's MA case for failure to submit medical bills to meet her deductible within the past three (3) months.

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]