



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 16, 2016
MAHS Docket No.: 16-003888
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 10, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED]

The following exhibits were offered admitted into evidence:

Department: A--March 2, 2016, Health Care Coverage Determination Notice.
B--April 1, 2016, Bridges SSI MA budget.
C--March 29, 2016, SOLQ.
D--September 1, 2015, SSI MA budget.

Petitioner: none.

ISSUE

Did the Department properly determine that the Petitioner's Medical Assistance (MA) case be subject to a deductible of \$ [REDACTED]

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.

2. In July, 2015, the Department determined that the Petitioner was eligible for full MA. Apparently, the Petitioner was given credit for a \$ [REDACTED] monthly medical expense as an ongoing expense when it was, in fact, a one-time expense.
3. In September, 2015, when the Department processed the Petitioner's semi-annual contact form, the \$ [REDACTED] monthly medical expense was removed from the Petitioner's MA budget.
4. It was not until March 2, 2016, when the Department was processing the Petitioner's redetermination, when the Petitioner was sent a Health Care Coverage Determination Notice informing the Petitioner that her MA case was now subject to a \$ [REDACTED] deductible.
5. On March 15, 2016, the Department received the Petitioner's written hearing request protesting the imposition of the \$ [REDACTED] deductible on her MA case.

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 did not contest the amount the Department budgeted as her income. The Petitioner protested that some of her other monthly expenses, such as her housing costs, were not also included in the MA budget. Bridges Eligibility Manual (BEM) 541 (2015) addresses which deductions are permissible in an SSI-Related MA budget. That policy does not provide that housing expenses can be counted in a MA budget. A close review of the policy and the record in this case establishes that the Petitioner was afforded all proper income deductions in her MA budget. Furthermore, the Department calculated the MA budget properly and in accordance with departmental policy.

The Petitioner's hearing request also protested that she is under the income limits and should therefore be eligible for Full MA. However, BEM 130 7p. 1, provides that persons eligible for Medicare are not eligible for Healthy Michigan Plan, which is the MA plan for which eligibility is based on income. As such, the Department properly determined that the Petitioner was not eligible for MA based on income, because she receives medicare

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 that the Petitioner's MA case is subject to a \$ [REDACTED] deductible.

DECISION AND ORDER

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



SH/nr

Susanne E. Harris
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]