



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: August 31, 2016
MAHS Docket No.: 16-008790
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 three way telephone hearing was held on August 1, 2016, from Detroit, Michigan. The Petitioner was not present but was represented by Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's [REDACTED] retroactive MA application?

FINDINGS OF FACT

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

1. On [REDACTED], Petitioner's Authorized Representative (AR) submitted a retroactive MA application requesting coverage beginning [REDACTED].
2. Petitioner's application was denied.
3. On [REDACTED] Petitioner's AH submitted a retroactive MA application requesting coverage beginning September 2012.
4. Petitioner's [REDACTED] application was approved.

5. On [REDACTED], the Department sent a verification checklist to Petitioner, requesting specific information.
6. The due date was extended on several occasions, with a final due date of [REDACTED].
7. In January 2015 and June 2015, the Department submitted help desk tickets in an effort to have the [REDACTED] retroactive application approved for December 2011 through February 2012.
8. The information requested in the verification checklist was received by the Department in July 2015.
9. On [REDACTED], the Department sent Petitioner a Notice of Case Action informing her that MA benefits had been approved from [REDACTED] through [REDACTED].
10. The Department failed to send the [REDACTED] Notice of Case Action to Petitioner's current AR.
11. ON [REDACTED], Petitioner's AR filed a Request for Hearing disputing 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.

The Department determines eligibility and benefit amounts for all requested programs. BAM 105 (December 2011), p. 16. Any person, regardless of age, or his/her authorized representative (AR) may apply for assistance. BAM 110 (December 2011), p. 4. The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110, p. 17. The AR assumes all the responsibilities of a client. BAM 110, p. 8. AR's must give their name, address, and title or relationship to the client. BAM 110, p. 8. To establish the client's eligibility,

they must be familiar enough with the circumstances to complete the application, answer interview questions, and collect needed verifications. BAM 110, p. 8.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (December 2011), p. 12. For MA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 13. However, there are exceptions to these benefits programs for processing times, which are described as follows: 90 days for MA categories in which disability is an eligibility factor. BAM 115, p. 13.

Moreover, if the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 18. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 19.

The evidence presented that the Department failed to send the Health Care Determination Notice dated [REDACTED] to Petitioner's AR. Further, the [REDACTED] Health Care Determination Notice indicated that Petitioner had been approved for MA coverage as of [REDACTED]; but did not reference Petitioner's eligibility relating to the retroactive coverage requested in the [REDACTED] application. The Department confirmed that all documentation requested on the Verification Checklist dated [REDACTED] was submitted in July 2015.

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 did not act in accordance with Department policy when it failed to completely process the retroactive application dated [REDACTED] and provide notice to Petitioner's AR.

DECISION AND ORDER

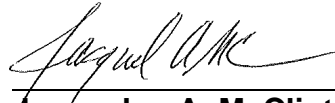
Accordingly, the Department's MA decision is **REVERSED**.

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. Re-register and initiate reprocessing of Petitioner's MA application dated [REDACTED], retroactive to [REDACTED];
2. Issue supplements to Petitioner for any MA benefits she was eligible to receive but did not in accordance with Department policy effective December 2011; and

3. Notify Petitioner and Petitioner's AHR of its decision in accordance with Department policy.

JM/hw



Jacquelyn A. McClinton
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]

Counsel for Petitioner

[REDACTED]

Petitioner

[REDACTED]