



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: October 24, 2016  
MAHS Docket No.: 16-013635  
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, an in-person hearing was held on October 19, 2016 from Lansing, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED] [REDACTED]

### **PROCEDURAL HISTORY**

The record closed at the conclusion of the hearing. The following documents were offered and admitted into evidence:

Department: A—Petitioner's Bridges SOLQ.  
B—Petitioner's SSI MA Income Budget.  
C—June 15, 2016, Health Care Coverage Determination Notice.  
D---Petitioner's Bridges Eligibility Summary.

Petitioner: None.

### **ISSUE**

Did the Department properly determine that the Petitioner's Medical Assistance (MA) case be subject to a deductible in the amount 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 is an ongoing recipient of MA with a deductible.
2. On June 15, 2016, the Department sent the Petitioner a Health Care Coverage Determination notice informing the Petitioner that his MA deductible was \$ [REDACTED]
3. On September 12, 2016, the Department received the Petitioner's written hearing request protesting the determination of the amount of his MA deductible.

### **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.

Additionally, BEM 545 (2016) provides the complete the Group 2 MA income eligibility process. Income eligibility exists for the calendar month tested when:

- There is no excess income.
- Allowable medical expenses (defined in **EXHIBIT I**) equal or exceed the excess income.

When **one** of the following equals or exceeds the group's excess income for the month tested, income eligibility exists **for the entire month**:

- Old bills.
- Personal care services in clients home, Adult Foster Care (AFC), or Home for the Aged (HA).
- Hospitalization.
- Long-term care.

When **one** of the above does **not** equal or exceed the group's excess income for the month tested, income eligibility begins either:

- **The exact day of the month** the allowable expenses **exceed** the excess income.
- **The day after the day of the month** the allowable expenses **equal** the excess income.

In addition to income eligibility, the fiscal group must meet all other financial eligibility factors for the category processed. However, eligibility for MA coverage exists only for qualified fiscal group members. A qualified fiscal group member is an individual who meets all the nonfinancial eligibility factors for the category processed.

In this case, the Petitioner expressed that he was ill and that he requested a hearing because he wanted to ensure that the determination of his MA deductible was accurate. During the hearing, the Petitioner's MA budget was thoroughly reviewed. The Petitioner receives [REDACTED] monthly RSDI. The Petitioner is afforded the \$ [REDACTED] unearned income general exclusion provided for by policy. The Petitioner's protected income limit was properly determined to be \$ [REDACTED]. As such, the Petitioner's deductible was properly calculated to be \$ [REDACTED]. Therefore, the Administrative Law Judge concludes that the Department acted in accordance with Department policy when taking action to determine the Petitioner's deductible.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law finds that the Department acted in accordance with Department policy when it determined the amount of the Petitioner's MA deductible.

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



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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]

**Petitioner**

[REDACTED]