



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 18, 2017
MAHS Docket No.: 16-017667

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 5, 2017, from Lansing, Michigan. The Petitioner was represented by his wife and household member [REDACTED] [REDACTED]. Petitioner also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department properly close Petitioner's daughter's Medical Assistance (MA) case for not meeting deductible for 3 consecutive 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. Petitioner's daughter [REDACTED] had MA-G2U coverage with a deductible beginning in April 2016.
2. Petitioner's daughter [REDACTED], had three consecutive months where her deductible was not met.

3. On November 2, 2016, a Health Care Coverage Determination Notice was sent to Petitioner informing him that [REDACTED]' MA case would close effective December 1, 2016, because she did not meet her deductible for 3 consecutive months.
4. On November 14, 2016, Petitioner requested hearing contesting the closure of MA benefits.

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.

Renewal

Renew 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, SLMB or ALMB eligible, Bridges will automatically notify the group of closure. BEM 545 (October 2016)

In this case, [REDACTED] at hearing did not dispute that her daughter [REDACTED] did not meet her deductible for 3 consecutive months. Subsequent to the request for hearing, the household went through redetermination and a deductible amount of [REDACTED] was determined for the household. Petitioners raised issues with regard to that determination but it was explained that the undersigned administrative law judge could only address raised in the November 14, 2016 request for hearing. If the Petitioner believes that the deductible amount determined in December 2016 is incorrect then he should request a hearing on that determination.

The Department action on November 2, 2016, in closing [REDACTED] coverage for failing to meet deductible for 3 consecutive months was proper and correct. BEM 545

DECISION AND ORDER

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 Petitioner's daughter's MA case for failing to meet deductible for three consecutive months.

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




Aaron McClintic
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

