



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]
[REDACTED]

Date Mailed: February 2, 2017
MAHS Docket No.: 16-017457
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Steven Kibit

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon the Petitioner's request for a hearing.

After due notice, a telephone hearing was held on January 25, 2017. Petitioner appeared and testified on her own behalf. [REDACTED], Petitioner's sister, was also present for the hearing. [REDACTED] Appeals Review Officer, represented the Respondent Department of Health and Human Services. [REDACTED], Adult Services Worker (ASW), testified as a witness for the Department. [REDACTED], Adult Services Supervisor, was also present during the hearing.

ISSUE

Did the Department properly terminate Petitioner's Home Help Services (HHS)?

FINDINGS OF FACT

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

1. Petitioner is a sixty-five-year-old woman who was approved for HHS in January of 2011. (Exhibit A, pages 7-8).
2. At that time, Petitioner's Medicaid scope of coverage was "1F". (Exhibit A, page 9).
3. While services were still authorized, Petitioner stopped receiving HHS on or about December 1, 2015 because she was in-and-out of the hospital or nursing homes. (Testimony of Petitioner).

4. As of April 1, 2016, Petitioner no longer had Medicaid coverage. (Exhibit A, page 9; Testimony of Petitioner).
5. On November 14, 2016, Petitioner met with the ASW in order to switch home help providers. (Exhibit A, page 12).
6. After that visit, the ASW discovered that Petitioner no longer had Medicaid and that no payment could be authorized. (Testimony of ASW).
7. On November 15, 2016, the Department sent Petitioner written notice that her HHS would be terminated on December 1, 2016 because her Medicaid is not currently active. (Exhibit A, page 6).
8. On November 30, 2016, the Michigan Administrative Hearing System (MAHS) received the request for hearing filed by Petitioner in this matter regarding that notice of termination. (Exhibit A, pages 5-6).

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statutes, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Home Help Services (HHS) are provided to enable functionally limited individuals to live independently and receive care in the least restrictive, preferred settings. These activities must be certified by a physician and may be provided by individuals or by private or public agencies.

With respect to eligibility criteria for HHS, Adult Services Manual 105 (4-1-2015) provided in part:

Requirements

Home help eligibility requirements include **all** of the following:

- Medicaid eligibility.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment (DHS-324) indicating a functional limitation of level 3 or greater for activities of daily living (ADL).

- Appropriate Level of Care (LOC) status.

Medicaid/Medical Aid (MA)

The client may be eligible for MA under one of the following:

- All requirements for Medicaid have been met.
- MA deductible obligation has been met.

The client must have a scope of coverage of either:

- 1F or 2F.
- 1D or 1K (Freedom to Work).
- 1T (Healthy Kids Expansion).
- 3G (Healthy Michigan Plan)

Clients with a scope of coverage 20, 2C or 2B are **not** eligible for Medicaid until they have met their MA deductible obligation.

Note: A change in the scope of coverage in Bridges will generate a system tickler in ASCAP for active services cases.

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Here, pursuant to the above policy, the Department terminated Appellant's HHS on the basis that she did not have Medicaid coverage after March 31, 2016.

In response, Petitioner agreed that her Medicaid coverage stopped at that time and that she has had any Medicaid coverage since March 31, 2016. She also testified that she thought she was reapplying for Medicaid by filing the appeal in this case.

However, while Petitioner is free to reapply for Medicaid, this is not the forum for doing so and the undersigned Administrative Law Judge's jurisdiction is limited to reviewing the negative action taken by the Department, *i.e.* the termination of her HHS. Moreover, given the clear policy and undisputed evidence in this case, that termination was proper and the Department's action must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly terminated Petitioner's HHS.

IT IS, THEREFORE, ORDERED that:

The Department's decision is **AFFIRMED**.

SK/tm



Steven Kibit
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 30763
Lansing, Michigan 48909-8139

DHHS Department Rep.

[REDACTED]

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