



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: February 10, 2017
MAHS Docket No.: 16-018340
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

DECISION AND ORDER

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

After due notice, a telephone hearing was held on February 8, 2017. Petitioner [REDACTED] appeared on behalf of the Petitioner. [REDACTED], Supports Coordinator Supervisor and [REDACTED] Supports Coordinator represented the [REDACTED], the MI Choice Waiver Agency (Agency).

ISSUE

Did the Department properly propose to cancel Petitioner's MI Choice Waiver Program case?

FINDINGS OF FACT

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

1. On October 12, 2016, Petitioner was enrolled in the MI Choice Waiver Program through Door 5, because she was receiving occupational therapy.
2. On November 4, 2017, Petitioner's MI Choice Waiver Program case was discontinued because Petitioner was no longer involved in occupational therapy and thus, no longer eligibility standards for the program.
3. Petitioner requested an exception.
4. On November 15, 2016, the exception was denied.

5. On December 2, 2016, the [REDACTED] sent Petitioner a negative Action Notice stating that Petitioner no longer qualified for the MI Choice Waiver Program effective December 14, 2016.
6. On December 15, 2016, the Michigan Administrative Hearings System received a Request for Hearing, contesting the cancellation of the MI Choice Waiver.
7. Petitioner entered the hospital.
8. On December 16, 2016, Petitioner entered a nursing home.
9. On December 17, 2016, Petitioner was dis-enrolled from the MI Choice Waiver Program because of her admission to a nursing home.
10. On January 17, 2017, Petitioner returned home from the nursing home.
11. On January 17, 2017 Petitioner was re-enrolled in the MI Choice Waiver Program under Door Five.

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 statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

This Petitioner is requesting services through the Department's Home and Community Based Services for Elderly and Disabled (HCBS/ED). The waiver is called MI Choice in Michigan. The program is funded through the federal Centers for Medicare and Medicaid (formerly HCFA) to the Michigan Department of Health and Human Services (Department). Regional agencies function as the Department's administrative agency.

Waivers are intended to provide the flexibility needed to enable States to try new or different approaches to the efficient and cost-effective delivery of health care services, or to adapt their programs to the special needs of particular areas or groups of recipients. Waivers allow exceptions to State plan requirements and permit a State to implement innovative programs or activities on a time-limited basis, and subject to specific safeguards for the protection of recipients and the program. Detailed rules for waivers are set forth in subpart B of part 431, subpart A of part 440 and subpart G of part 441 of this chapter. *42 CFR 430.25(b)*

At the commencement of this hearing it was determined that Petitioner has been re-enrolled in the MI Choice Waiver Program as of January 17, 2017, once she got out of

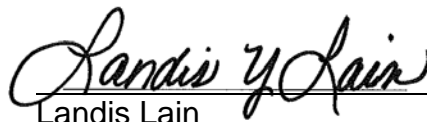
the nursing home and returned to her home. The Petitioner cannot receive both nursing home care and the MI Choice Waiver Program

With the issue being resolved, the matter is hereby **DISMISSED**. Petitioner agrees that the issue is resolved.

IT IS THEREFORE ORDERED that:

The above matter is **DISMISSED** for lack of jurisdiction because there is no longer a Medicaid Health Plan denial, reduction, suspension or termination of a requested Medicaid covered service.

LL/sb



Landis Lain
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 -Dept Contact

[REDACTED]

Community Health Rep

[REDACTED]

Petitioner

[REDACTED]

DHHS -Dept Contact

[REDACTED]