



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: August 11, 2017
MAHS Docket No.: 17-006432
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 July 13, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator, and [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner did not timely submit her medical bills to make her medical deductible to qualify for Medical Assistance (MA) for the month in question of October 2016?

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 was a recipient of MA with an \$ [REDACTED] deductible that she had to meet in order to be eligible for MA.
2. On March 27, 2017, the Department received a deductible report and medical bills from Petitioner. Department Exhibit 1, pgs. A1-A6.
3. On March 29, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's husband is eligible for MA from December 2016 ongoing. Department Exhibit 1, pgs. B1-B2.

4. On April 18, 2017, the Department received a medical bill from Petitioner from services incurred in October 2016. Department Exhibit 1, pgs. C.
5. On April 26, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's husband is eligible for MA from June 1, 2017, ongoing. Department Exhibit 1, pgs. D1-B2.
6. On May 8, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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.

In this case, Petitioner was a recipient of MA with an \$ [REDACTED] deductible that she had to meet in order to be eligible for MA. On March 27, 2017, the Department received a deductible report and medical bills from Petitioner. Department Exhibit 1, pgs. A1-A6. On March 29, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's husband is eligible for MA from December 2016 ongoing. Department Exhibit 1, pgs. B1-B2. On April 18, 2017, the Department received a medical bill from Petitioner from services incurred in October 2016. Department Exhibit 1, pgs. C. On April 26, 2017, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that Petitioner's husband is eligible for MA from June 1, 2017, ongoing. Department Exhibit 1, pgs. D1-B2. On May 8, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 130 and 220. BEM 501, 544, and 545.

During the hearing, the Department stated that Petitioner did not submit the medical bills timely for the MA month requested of October 2016. She had until January 31, 2017, to submit the bill to be retroactive to the month of October 2016. Since she submitted the bills on March 27, 2017, the Department could only go retroactive 90 days or to December 2016. As a result, the month of October 2016 is not covered for MA.

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 determined that Petitioner's husband was eligible for MA retroactive to December 2016 ongoing based on medical bills submitted on March 27, 2017. He is not eligible for MA for the month of October 2016 because the medical bills were not received timely.

DECISION AND ORDER

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



CF/md

Carmen G. Fahie
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]