



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 1, 2017
MAHS Docket No.: 17-012247
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 November 2, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Alisha Conley-Dankert, Assistance Payment Supervisor.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and Medicare Savings Program (MSP) cases?

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 an ongoing recipient of MA and MSP benefits.
2. In connection with a renewal/redetermination, Petitioner's eligibility for MA benefits was due for review.
3. On July 5, 2017, the Department sent Petitioner a Redetermination for her MA and MSP cases that was to be completed and returned to the Department by August 4, 2017. (Exhibit A, pp. 4-11)
4. The Department did not receive the completed redetermination by the due date. (Exhibit A, p. 12)

5. On August 18, 2017, the Department sent Petitioner a Health Care Coverage Determination Notice informing her that, effective September 1, 2017, her MA and MSP cases were closing on the basis that she failed to return the redetermination. (Exhibit A, pp. 13-16)
6. On September 15, 2017, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her MA and MSP cases. (Exhibit A, pp. 2-3)

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.

Medicare Savings Programs are SSI-related MA categories. BEM 165 (October 2016), p. 1. The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (July 2017), p. 1. Additional verifications may be required at redetermination or renewal. For MA cases, verifications are due the same date as the redetermination packet. The Department allows a client a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. BAM 210, p. 16. For MA cases, benefits stop at the end of the benefit period unless a renewal is completed, requested verifications are received and a new benefit period is certified. BAM 210, p. 3. The Department will provide the client with timely notice of the negative action if the time limit is not met. BAM 210, p. 14.

At the hearing, the Department testified that because it did not receive a completed redetermination from Petitioner by the August 4, 2017 due date, it sent her a Health Care Coverage Determination Notice on August 18, 2017 advising her of the MA and MSP case closures effective September 1, 2017. Petitioner confirmed receiving the redetermination form and testified that in response, she contacted her case worker in July 2017 because she had just completed a redetermination and was informed by her

case worker that she should disregard the redetermination and further that she was not required to complete or submit it. The Department testified that Petitioner's Food Assistance Program (FAP) case was due for review prior to the MA and MSP cases at issue, which was the redetermination referenced by Petitioner and the case worker. Upon further review of the evidence presented, because Petitioner did not timely submit the redetermination, the Department properly closed her MA and MSP cases.

Petitioner raised concerns with respect to the Social Security Administration (SSA) beginning to deduct Medicare Part B premiums from her monthly Social Security benefits, which likely occurred due to the closure of her MSP case effective September 1, 2017. There was some evidence presented that in [REDACTED] 2017 Petitioner reapplied for MA and MSP benefits and was approved for September 2017, ongoing. Although the Department did not present the Health Care Coverage Determination Notice issued to Petitioner advising her of the approval, the Case Comments Summary indicates that as of September 19, 2017, Petitioner still had not applied for MA. (Exhibit A, p. 17).

Therefore, because Petitioner's hearing request was dated September 15, 2017, any action taken by the Department after this date, including the processing of her [REDACTED] 2017 MA and MSP application and the withholding of her Medicare Part B premiums for a period in which she was approved for MSP benefits in connection with a new application is not an issue that the undersigned Administrative Law Judge has the authority to address, as it is considered a subsequent action. See BAM 600. Petitioner is advised that should she dispute the Department's actions with respect to her [REDACTED] 2017 MA and MSP application, she is entitled to submit a new hearing request.

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 MA and MSP cases based on a failure to return a redetermination.

DECISION AND ORDER

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

ZB/tlf



Zainab A. Baydoun
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

Via Email:

MDHHS-Shiawassee-Hearings
BSC2 Hearing Decisions
EQAD
M. Best
MAHS

Petitioner – Via First-Class Mail:

