



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 5, 2018
MAHS Docket No.: 17-011056
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 October 3, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

1. Did the Department properly process the Petitioner's Medicare Savings Program (MSP) benefits?
2. Did the Department properly close the Petitioner's Medical Assistance (MA)?

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 benefits.
2. On April 4, 2017, the Department mailed Petitioner a Redetermination to an address in Metamora. The redetermination returned undeliverable. On April 24, 2017, the Redetermination was re-sent to Petitioner after the Department was able to obtain her new address. [Exhibit A, pp. 8-9, 11.]
3. On June 1, 2017, Petitioner's MA and MSP programs closed because the redetermination had not been returned.

4. On July 7, 2017, Petitioner reapplied for both programs; and both programs were reopened. [Exhibit A, pp. 12-19.] The Department mailed Petitioner a Health Care Coverage Determination Notice on August 8, 2017, informing her that MA was approved and effective as of July 1, 2017; however, the MSP had an effective date of August 1, 2017.
5. On August 18, 2017, the Department received Petitioner's request for hearing disputing the Department's actions specifically as to MSP.

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 requested a hearing to dispute the closing of her MSP effective June 1, 2017, and the approval reopening date of August 1, 2017, for MSP. Petitioner's MA was scheduled for redetermination in April 2017. The Department mailed out the redetermination to her last known address in Metamora. However, because the redetermination returned undeliverable, the Department took steps to ascertain her new address which was in Flint. On April 24, 2017, the Department mailed out a reprint of the April 2017 redetermination. The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2017), p. 1. Benefits stop at the end of the benefit period **unless** a renewal is completed **and** a new benefit period is certified. BAM 210, p. 4. When the Department did not receive the completed redetermination, a new benefit period was not certified and Petitioner's benefits closed. The Department acted in accordance with policy when it closed Petitioner's MA and MSP with the effective date of June 1, 2017.

Petitioner submitted a new application for MA benefits on July 7, 2017. The next issue is whether Petitioner's MSP can begin earlier than August 1, 2017.

Medicare Savings Programs are SSI-related MA categories. They are neither Group 1 nor Group 2.

The three categories that make up the Medicare Savings Programs are:

1. Qualified Medicare Beneficiaries (QMB).

This is also called full-coverage QMB and just QMB. Program group type is QMB.

2. Specified Low-Income Medicare Beneficiaries (SLMB).

This is also called limited-coverage QMB and SLMB. Program group type is SLMB.

3. Q1 Additional Low-Income Medicare Beneficiaries (ALMB). BEM 165 (October 2016), p. 1.

The Department testified that Petitioner was approved for QMB benefits with an effective date of August 1, 2017. QMB pays: Medicare premiums, coinsurances and deductibles. BEM 165, p. 2. QMB coverage begins the calendar month after the processing month. The processing month is the month during which an eligibility determination is made. QMB is **not** available for past months or the processing month. BEM 165, pp. 3-4. As such, it is found that the Department acted in accordance with policy when it determined the MSP-QMB effective date to be August 1, 2017.

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 MA and MSP benefits effective June 1, 2017. It is further found that the Department acted in accordance with Department policy when, with respect to the July 7, 2017, application; it determined the effective date for MSP to be August 1, 2017.

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

DM/jaf



Denise McNulty

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]
[REDACTED]

Petitioner

[REDACTED]
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