



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 31, 2018
MAHS Docket No.: 17-015437
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 January 10, 2018, from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's MA case due to failure to return verification?

FINDINGS OF FACT

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

1. The Petitioner was sent a redetermination for his Medical Assistance on September 5, 2017 with a due date of October 5, 2017. The redetermination was sent to the Petitioner's correct address.
2. A Health Care Coverage Determination Notice was sent by the Department on October 19, 2017 which closed the MA case effective November 1, 2017. Exhibit A.
3. The Petitioner completed an online redetermination on November 27, 2017.

4. The Department reinstated the Petitioner's MA case on [REDACTED] based upon a passive renewal and was pending verification due [REDACTED] at the time of the hearing.
5. The Petitioner requested a hearing on [REDACTED] [REDACTED] [REDACTED] protesting the Department's 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, the Department sent a Health care Coverage Determination Notice on [REDACTED] that advised the Petitioner his MA case would be closed [REDACTED] [REDACTED] for failure to complete the redetermination previously sent to Petitioner on [REDACTED]. The Petitioner completed an online redetermination on November [REDACTED] at which time the Department reinstated the MA case. At the hearing the Department advised that the MA case was reinstated after the hearing request based upon the fact that the Petitioner's [REDACTED] MA application authorized the Department to use tax information for passive renewal of medical assistance for 4 years. The authorization was not marked in the [REDACTED] as it should have been. MAGI related Medicaid programs can be reinstated based upon customer's authorization to use tax information and the agency had failed to note this information in Bridges. BAM 205 provides:

Bridges will determine eligibility and the amount of program benefits for the month of reinstatement and any months during which the program was closed, as if the program had not been closed. The client must update the application form if any changes occurred.

Initiate reinstatement by entering the date and reason for reinstatement on the Bridges program request screen, under individual information. Enter any changes in data collection before running EDBC and certifying the reinstatement. Once the reinstatement is certified, any and all benefits due to the client will be issued. BAM 205 (January 2108), p. 5.

The case was reinstated and at the time of the hearing, verifications were pending. The case was reinstated by the Department on [REDACTED] after receiving the online redetermination because the Petitioner had a [REDACTED] case and had authorized the Department to complete a passive renewal requiring the Department use information currently available in the State of Michigan systems to renew eligibility. BAM 210, (January 2018), p. 1. If the information is not sufficient to renew eligibility, MDHHS must send a pre-populated renewal form to the beneficiary. The Department must allow the beneficiary 30 calendar days to respond and return the renewal form.

Given the fact that the case was reinstated due to the fact that the Department received a redetermination and was allowed to use Petitioner's authorization to use federal tax information to complete a passive renewal the case was reinstated on [REDACTED], [REDACTED].

The Petitioner's [REDACTED] hearing request was regarding the closure due to failure to complete the redetermination. Once the Department reinstated the MA case there was no issue remaining regarding the closure due to failure to file a redetermination to be determined by the undersigned. Any issues remaining unresolved regarding pending verifications requested by the Department which arose based upon reinstatement of the case are not issues which can be reviewed by the undersigned, as such issues occurred after the Petitioner's [REDACTED] 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 reinstated the Petitioner's MA case based upon passive renewal there is no issue regarding the closure of Petitioner's MA case which requires decision by the undersigned.

DECISION AND ORDER

Accordingly, the Petitioner's hearing request dated November 22, 2017 is hereby DISMISSED,

IT IS SO ORDERED.

LF/cg



Lynn M. Ferris
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:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]