



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 28, 2018
MAHS Docket No.: 18-001485
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 March 27, 2018, from Detroit, Michigan. The Petitioner was represented by his Authorized Hearing Representative, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Family Independence Specialist and [REDACTED] [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly provide Petitioner with Medical Assistance (MA) coverage he was entitled to receive?

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 MA recipient under the Disabled Adult Children (DAC) program.
2. On February 6, 2018, Petitioner's AHR requested a hearing.

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's AHR requested a hearing arguing that the Department failed to properly activate Petitioner's MA coverage. Petitioner notified the Department that Petitioner's providers were unable to bill for medical services because he was coded as in-patient. On August 17, 2017, the Department designated Petitioner as hospitalized in a psychiatric hospital. In January 2018, the Department ended the hospitalization status with a backdate of August 22, 2017 (Exhibit 1). Petitioner's AHR testified the Department's action did not rectify the matter and Petitioner's MA benefits were effectively inactive.

DAC is an SSI-related full-coverage Group 1 MA category. BEM 158 (October 2014), p. 1. MA is available to a person receiving disabled adult children's RSDI benefits under section 202(d) of the Social Security Act if he or she is: (i) age 18 or older; (ii) received SSI; (iii) ceased to be eligible for SSI on or after July 1, 1987, because he became entitled to DAC RSDI benefits under section 202(d) of the Act or an increase in such RSDI benefits; (iv) is currently receiving DAC RSDI benefits under section 202(d) of the Act; and (v) would be eligible for SSI without such RSDI benefits. BEM 158, p. 1.

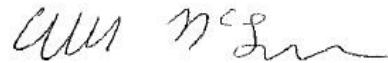
The Department testified that Petitioner was eligible for MA under the DAC program and that he is currently active. The Department presented documentation showing Petitioner had been receiving MA benefits under the DAC program since August 2017 (Exhibit C). The Department also presented evidence showing Petitioner's [REDACTED] had been ended as of August 22, 2017 (Exhibit D).

The Undersigned has limited jurisdiction to address Petitioner's MA eligibility. The Department provided sufficient evidence that Petitioner has active MA benefits under the DAC program. Therefore, the Department acted in accordance with policy when providing MA coverage to Petitioner. If Petitioner continues to have issues with receiving medical care/denied services, Petitioner or Petitioner's AHR may contact the Beneficiary Helpline at 1-800-642-3195.

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 providing MA coverage to Petitioner. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep.

Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]