



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: July 30, 2018
MAHS Docket No.: 18-005105
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 25, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Robin Morales-Oscoy, specialist, and Amanda Brannon, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's and her daughter's medical assistance (MA) eligibility.

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, her daughter (hereinafter Daughter), and her son were ongoing MA recipients. Petitioner's ongoing MA eligibility required payment of a monthly \$ [REDACTED] premium.
2. On January 15, 2018, MiChild received Petitioner's premium payment of \$ [REDACTED] (Exhibit A, p. 3)
3. On January 17, 2018, MDHHS terminated Daughter's MA eligibility, effective February 2018, due to Petitioner's alleged non-payment of a premium. (Exhibit A, pp. 1-2)

4. As of February 8, 2018, Petitioner's "total due" concerning MA premiums was \$0.
5. On March 1, 2018, MiChild returned Petitioner's payment because Daughter no longer had an active MiChild case. (Exhibit A, p. 4)
6. On May 14, 2018, Petitioner requested a hearing to dispute the termination of her and Daughter's MA eligibility.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Healthy Michigan Plan (HMP) is a health care program administered by the Michigan Department of Community Health, Medical Services Administration. The program is authorized under the Affordable Care Act of 2010 as codified under 1902(a)(10)(A)(i)(VIII) of the Social Security Act and in compliance with the Michigan Public Act 107 of 2013. HMP policies are found in the Medicaid Provider Manual and Modified Adjusted Gross Income Related Eligibility Manual (MAGIM).

MDHHS' Hearing Summary claimed that neither Petitioner nor Daughter had any loss of MA benefits; verification of uninterrupted MA benefits was not provided. During the hearing, an MDHHS specialist testified that a check of Bridges verified that Petitioner's and Daughter's MA eligibility ended beginning or after February 2018. Based on MDHHS' apparently mistaken claim that Petitioner and Daughter had no loss of MA coverage, the analysis will proceed to consider the MA dispute.

Petitioner requested a hearing, in part, to dispute a termination of MA benefits for herself. MDHHS testimony referenced unverified assets as a possible basis to terminate Petitioner's MA eligibility. MDHHS was unable to provide any corresponding written notice to justify termination.

For all programs, upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. A notice of case action must specify the action(s) being taken by the MDHHS and the reason(s) for the action. (BAM 220 (January 2018), p. 2.)

MDHHS did not provide in their hearing packet a notice sent to Petitioner informing her of MA benefit closure. During the hearing, MDHHS checked Bridges and was unable to find any such notice among the correspondence sent to Petitioner.

Given the evidence, it is found that MDHHS failed to provide Petitioner with proper written notice of MA benefit termination. MDHHS' failure to provide Petitioner with proper notice justifies a reversal of the MA closure.

Petitioner requested a hearing, in part, to dispute a termination of MA benefits for Daughter. MDHHS presented a Health Care Coverage Determination Notice dated January 17, 2018, which stated that Daughter's MA eligibility ended February 2018 due to Petitioner's failure to pay a premium.

Families pay a monthly premium for MiChild coverage. The premium amount is \$10.00 per family per month regardless of the number of children in the family. Failure to pay the premium on time may result in termination of MiChild. (BEM 130 (July 2016), p. 1)

A letter from MiChild verified that Petitioner's \$█ payment on January 15, 2018, gave her a \$0 MiChild balance as of February 8, 2018. Presumably, Petitioner had a \$0 balance as of January 17, 2018, (the date that MDHHS initiated termination of Daughter's MA eligibility).

Given the evidence, Petitioner had no MiChild balance as of the date MDHHS initiated closure of Daughter's MA. Without a MiChild balance, the closure of Daughter's MA eligibility based on Petitioner's alleged premium non-payment was improper.


DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's and Daughter's MA eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reinstate Petitioner's MA eligibility, effective February 2018 subject to the finding that MDHHS failed to provide Petitioner with written notice of closure;
- (2) Reinstate Daughter's MA eligibility, effective February 2018, subject to the finding that Petitioner timely paid Daughter's MiChild's premium through January 2018.

The actions taken by MDHHS are **REVERSED**.

CG/



Christian Gardocki
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) 763-0155; 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

Lauren Casper
MDHHS-Macomb-20-Hearings

Petitioner

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[REDACTED] MI [REDACTED]

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D Smith
EQAD
C Gardocki
MAHS