



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: August 7, 2018  
MAHS Docket No.: 18-005553  
Agency No.: ██████████  
Petitioner: ██████████

**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 30, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Brad Reno, hearing facilitator.

**ISSUE**

The issue is whether MDHHS properly terminated Petitioner's eligibility for Healthy Michigan Plan (HMP)

**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 HMP recipient.
2. Beginning June 2018, Petitioner was eligible for Medicare Part B coverage.
3. On May 17, 2018, MDHHS terminated Petitioner's HMP eligibility, effective June 2018, due to Petitioner's receipt of Medicare. (Exhibit A, pp. 17-21)
4. On May 24, 2018, Petitioner requested a hearing to dispute the termination of HMP.

## **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).

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).

Petitioner requested a hearing to dispute a termination of HMP benefits.<sup>1</sup> MDHHS presented a Health Care Coverage Determination Notice (Exhibit A, pp. 17-20) dated May 17, 2018, which informed Petitioner of a termination of HMP eligibility effective June 2018. The stated reason for termination is that Petitioner is eligible for Medicare, and therefore, no longer eligible to receive HMP.

The Healthy Michigan Plan (HMP) provides health care coverage for individuals who:

- Are 19-64 years of age.
- Do not qualify for or are not enrolled in Medicare.
- **Do not qualify for or are not enrolled in other Medicaid programs.**
- Are not pregnant at the time of application
- Meet Michigan residency requirements
- Meet Medicaid citizenship requirements.
- Have income at or below 133% Federal Poverty Level. BEM 137 (April 2018) p. 1.

During the hearing, MDHHS checked Petitioner's State Online Query (SOLQ). An SOLQ is a document obtained as part of MDHHS' exchange of data with the Social Security Administration. With Petitioner watching, MDHHS testimony indicated that Petitioner's SOLQ listed a Medicare Part B premium start date of June 1, 2018.

Petitioner acknowledged she was eligible to receive Medicare but stated she did not receive a Medicare card until the middle of July 2018. Petitioner's testimony implied that her receipt of her Medicare card corresponds to Medicare eligibility. An SOLQ which

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<sup>1</sup> Petitioner separately requested a hearing to dispute a subsequent MDHHS determination that she is eligible for Medicaid subject to a deductible. Petitioner's hearing request concerning the deductible is addressed under docket# 18-005554.


comes from SSA information is a more reliable indicator of an eligibility begin date than the date Petitioner received her Medicare card. Given the evidence, it is found that Petitioner was eligible to receive Medicare beginning June 2018.

Once Petitioner began receiving Medicare, she was no longer eligible to receive HMP. Thus, MDHHS properly terminated Petitioner's HMP eligibility beginning June 2018.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's HMP eligibility effective June 2018. The actions taken by MDHHS are **AFFIRMED**.

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**

Lindsay Miller  
MDHHS-Genesee-UnionSt-Hearings

**Petitioner**

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