



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 19, 2018
MAHS Docket [REDACTED] 18-008860
Agency No.: 101783600
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 27, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Gregory Folsom.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Medical Assistance (MA) and the Medicare Savings Program (MSP)?

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 Medical Assistance (MA) and Medicare Savings Program (MSP) benefits on May 4, 2018, when the Department sent her a Redetermination (DHS-1010) form with a June 4, 2018, due date. Exhibit A, pp 3-10.
2. On June 18, 2018, the Department notified Petitioner that her Medical Assistance (MA) and Medicare Savings Program (MSP) benefits would close as of July 1, 2018. Exhibit A, pp 11-15.
3. On [REDACTED], 2018, the Department received Petitioner's application for assistance. Exhibit A, pp 16-29.

4. On August 2, 2018, the Department notified Petitioner that she was eligible for Medical Assistance (MA) effective July 1, 2018, and the Medicare Savings Program (MSP) effective August 1, 2018. Exhibit A, pp 38-41.
5. On August 23, 2018, the Department received Petitioner's request for a hearing. Exhibit A, p 42.

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.

There are three categories of Medicare Savings Program (MSP) benefits including the Qualified Medicare Beneficiary (QMB), the Special Low Income Medicare Beneficiary (SLMB), and the Additional Low Income Medicare Beneficiary (ALMB). QMB pays Medicare premiums, and Medicare coinsurances, and Medicare deductibles. QMB coverage begins the calendar month after the processing month. SLMB pays Medicare Part B premiums. SLMB coverage is available for retro MA months and later months. ALMB pays Medicare Part B premiums provided funding is available. The Department of Community Health notifies the Department of Human Services if funding is available. ALMB coverage is available for retro MA months and later months. Department of Human Services Bridges Eligibility Manual (BEM) 165 (January 1, 2018), pp 2-4.

Full-coverage QMB eligibility cannot be retroactive. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (October 1, 2018), p 12aW.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Petitioner was an ongoing recipient of MA and MSP benefits when the Department initiated a routine review of her eligibility for ongoing benefits by sending her a Redetermination (DHS-1010) form. When Petitioner did not return this form by the June 4, 2018, due date, the Department closed her benefits effective July 1, 2018. See Department of Health and Human Services Bridges Administrative Manual (BAM) 210 (January 1, 2018).

The Department received Petitioner's application for benefits on [REDACTED], 2018. The Department does not dispute that Petitioner is eligible for MA and MSP based on her circumstances.

Medicaid eligibility is determined on a calendar month basis. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (April 1, 2017), p 2. Petitioner was approved for full coverage MA and a monthly deductible does not apply to her case. Therefore, Petitioner's eligibility for MA benefits extends to the first of the month in which she applied for and became eligible for benefits.

Petitioner is a Qualified Medicare Beneficiary but coverage for this benefit begins the calendar month after the processing month. Petitioner was not an active recipient of MSP benefits on [REDACTED], 2018, when the Department received her application for assistance. Although Petitioner is eligible for full MSP benefits, she is not entitled to have the Department pay her Medicare Part B premium for July of 2017, as directed by BEM 165. Petitioner is eligible to receive MSP benefits for August of 2018, notwithstanding any processing delays that may occur before the Medicare Part B premium is no longer deducted from her social security benefits.

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 benefits as of July 1, 2018, and was also acting in accordance with Department policy when it processed her July 19, 2018, application for assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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

Mark Epps
4809 Clio Road
Flint, MI 48504

Genesee County (Clio), DHHS

BSC2 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]