



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 7, 2019
MAHS Docket No.: 18-012927
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 6, 2019, from Lansing, Michigan. Petitioner, [REDACTED] appeared with her case manager, Massiel Proctor. Hearing Facilitator, Valarie Foley, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 10-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner'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 has Medical Assistance (MA) with a monthly spenddown of \$944.00. Once Petitioner meets her monthly spenddown, she is eligible for full-coverage MA.
2. On October 24, 2018, Petitioner provided the Department with receipts for October 2018 to apply towards her spenddown. The receipts showed that Petitioner had incurred expenses of \$1,511.51 through October 11, 2018.

3. On November 9, 2018, Petitioner provided the Department with receipts for November 2018 to apply towards her spenddown. The receipts showed that Petitioner had incurred expenses of \$1,236.69 through November 8, 2018.
4. On December 3, 2018, Petitioner filed a hearing request because the Department had not processed her spenddown receipts for October and November of 2018.
5. On December 10, 2018, the Department issued a Health Care Coverage Determination Notice which notified Petitioner that she met her spenddown for October on October 11, 2018, and that she met her spenddown for November on November 8, 2018. The Notice notified Petitioner that she was eligible for full-coverage MA as of the date she met her spenddown.

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.

When an individual has MA with a spenddown, the individual is only eligible for MA after the individual has met her spenddown. BEM 545 (October 1, 2018), p. 1. A spenddown is met when allowable medical expenses exceed the amount of the spenddown in a given month. BEM 545, p. 1. An individual may use a deductible report form (DHS-114A) to report medical expenses. BEM 545, p. 15.

Here, Petitioner met her spenddown in October and November of 2018 and submitted reports to the Department as proof. The Department processed Petitioner's documentation and found Petitioner had met her spenddown for October and November of 2018 and was eligible for MA. The Department sent a notification of its eligibility determination to Petitioner on December 10, 2018.

The Department's actions were belated since the Department did not send a notification of its eligibility determination to Petitioner until after she requested a hearing. However, the Department did act in accordance with its policies and the applicable law when it determined Petitioner's eligibility for MA for October and November of 2018.

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 did act in accordance with its policies and the applicable law when it issued its December 10, 2018, Health Care Coverage Determination which found Petitioner met her spenddown in October and November of 2018.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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

Jeanette Cowens
2524 Clark Street
Detroit, MI
48209

Wayne 41 County DHHS- via electronic
mail

BSC4- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
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[REDACTED], MI
[REDACTED]