



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 20, 2019
MOAHR Docket No.: 19-007123
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 August 14, 2019, from ██████████ Michigan. Petitioner appeared and was unrepresented. ██████████ testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Julie McLaughlin, hearing facilitator.

ISSUE

The issue is whether MDHHS properly resolved Petitioner's hearing request dispute concerning 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. As of January 2019, Petitioner was an ongoing recipient of MSP benefits.
2. Beginning April 2019, MDHHS terminated Petitioner's MSP eligibility.
3. On May 16, 2019, Petitioner reapplied for MSP benefits.
4. On June 25, 2019, MDHHS approved Petitioner for MSP benefits from April 2019.

5. On an unspecified date, Petitioner received payment of MSP benefits from June 2019.
6. On June 27, 2019, Petitioner requested a hearing to dispute not receiving MSP benefits from April 2019 and May 2019.

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).

Petitioner requested a hearing to dispute the costs of Medicare premiums from two months of Social Security Administration (SSA) benefit checks. Petitioner testified that his SSA benefit checks for April 2019 and May 2019 were reduced and that he has not yet received reimbursement.

MSP programs offer three different degrees of assistance with payment toward a client's Medicare premium and deductibles. Qualified Medicare Beneficiaries (QMB) coverage pays for a client's Medicare premiums, coinsurances, and deductibles. BEM 165 (January 2018), p. 2. Specified Low Income Beneficiaries (SLMB) coverage pays for a client's Medicare Part B premium. *Id.* Additional Low Income Beneficiaries (ALMB) coverage pays for a client's Medicare Part B premium if DHHS funding is available. *Id.*

MDHHS testimony acknowledged that Petitioner's checks for April 2019 and May 2019 were reduced but that he was later approved for MSP; thus, MSP eligibility is not an issue for Petitioner. MDHHS verified its testimony with an Eligibility Summary listing that Petitioner was approved for QMB on June 25, 2019, for April 2019 and May 2019. Exhibit A, p. 2.

During the hearing, Petitioner questioned why he was still waiting to receive reimbursement if MDHHS found his eligible for MSP. MDHHS responded that clients may have to wait approximately 120 days from the date of certification to receive reimbursement for MSP.

MDHHS usually processes MSP at the end of the calendar month that a case is opened in Bridges. BAM 810 (January 2018), p. 8. It takes SSA about 120 days after that to adjust the client's Retirement, Survivors and Disability Insurance (RSDI) check. *Id.* The client will receive a refund for premiums paid while the buy-in was being processed. *Id.*

MDHHS approved Petitioner for MSP and fewer than 120 days have passed since MDHHS approved Petitioner. Petitioner understandably expressed impatience at having to wait 120 days but the wait is consistent with MDHHS' policy.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner is not entitled to reimbursement of Medicare premiums sooner than 120 days from the date of certification. The actions of MDHHS are **AFFIRMED**.

CG/jaf



Christian Gardocki

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS
Via Electronic Mail

Jackie Stempel
MDHHS-Muskegon-Hearings

BSC4
D Smith
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Petitioner
Via First Class Mail

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