



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 3, 2020
MOAHR Docket No.: 19-013078
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 January 29, 2020, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Morgan Hafler, Hearing Facilitator, and Danielle Chisholm, Eligibility Specialist, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 11-page packet of documents provided by the Department was admitted as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's eligibility for Medicare Savings Program (MSP) when the Department determined that she was eligible for QMB effective October 1, 2019?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On or about July 2019, Petitioner received documentation from the Department regarding her QMB. Petitioner called the Department and notified the Department that she was not happy with the documentation that she was receiving and that she would try to pay her Medicare Part B premium herself.
2. After Petitioner called the Department, the Department closed Petitioner's QMB pursuant to her request.

3. Petitioner did not request a hearing within 90 days of the date her QMB closed.
4. On October 31, 2019, Petitioner called the Department and notified the Department that she wanted to have her QMB reinstated.
5. After Petitioner called the Department, the Department reinstated Petitioner's QMB.
6. On November 8, 2019, the Department mailed a health care coverage determination notice to Petitioner to notify her that she was eligible for Medicare Savings Program coverage effective October 1, 2019.
7. On December 3, 2019, Petitioner requested a hearing to dispute the Department's decision because she wanted retroactive coverage.

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.

Medicare Savings Program (MSP) is coverage that pays Medicare Part B premiums. MSP is available to Medicare recipients who are income eligible. BEM 165 (January 1, 2018) and RFT 242 (April 1, 2019). There are three different programs through MSP: QMB, SLMB, and ALMB. Each program has different benefits, with QMB being the greatest and ALMB being the least. An individual eligible for QMB cannot choose to receive MSP through a different program. BEM 165 at 1. Retroactive MSP coverage is not available for a QMB. *Id.* at 3-4.

In this case, Petitioner requested retroactive QMB. Retroactive QMB is not available pursuant to policy, so the Department properly denied Petitioner's request.

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 determined Petitioner was eligible for QMB effective October 1, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



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 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

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI 48212

Wayne (District 55) County DHHS – Via
Electronic Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

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