



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: August 25, 2020
MOAHR Docket No.: 20-004862
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED] [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, telephone hearing was held on August 19, 2020. Petitioner represented herself. The Department was represented by Mark Kwarciany.

ISSUE

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

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 is an ongoing Medical Assistance (MA) recipient with a \$2,193 monthly deductible. Exhibit A, p 10.
2. Department records indicate that on March 11, 2020, the Department received verification of medical expenses of \$3,338 incurred on February 26, 2020. No other medical expenses had been reported as being incurred in February of 2020 before this expense. Exhibit A, pp 6-7.
3. From March 19, 2020, through April 7, 2020, the Department received verification of medical expenses totaling \$13,974.33 incurred from February 21, 2020, through February 25, 2020. Exhibit A, pp 6-7.
4. On June 24, 2020, the Department received Petitioner's request for a hearing protesting her eligibility for Medical Assistance (MA) in February of 2020. Exhibit A, pp 26-29.

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.

Income eligibility exists for the calendar month tested when allowable medical expenses equal or exceed the excess income. When allowable medical expenses equal or exceeds the group's excess income for the month tested, income eligibility exists for the entire month. When allowable medical expenses do not equal or exceed the group's excess income for the month tested, income eligibility begins either the exact day of the month the allowable expenses exceed the excess income or the day after the day of the month the allowable expenses equal the excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 545 (July 1, 2019), p 1.

A MA recipient may report additional expenses that were incurred prior to the MA eligibility begin date that allowable expenses exceeded the excess income for that month. The Department will not alter the MA eligibility begin date once MA coverage has been authorized. Any expenses the group reports that were incurred from the first of such a month through the day before the MA eligibility begin date might be countable as old bills. BEM 545, 13-14.

Petitioner was an ongoing MA recipient with a \$2,193 monthly deductible, and the level of her coverage was not disputed during the hearing. On March 11, 2020, the Department received verification of medical expenses of \$3,338 incurred on February 26, 2020. No other medical expenses had been reported as being incurred in February of 2020 before this expense. The countable medical expense incurred on February 26, 2020, exceeded the deductible, and Petitioner's MA coverage was activated from that day to the end of the month.

From March 19, 2020, through April 7, 2020, the Department would receive eight additional medical expense receipts that were incurred before February 26, 2020. Since Petitioner's MA eligibility date had already been established, the Department was required to apply the additional expenses as old bills towards later months.

Petitioner did not argue that the Department did not improperly apply BEM 545 towards her circumstances but requested an exception to this policy.

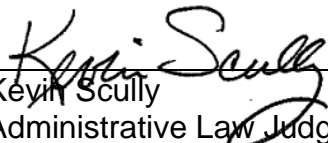
The Petitioner's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to make exceptions to the department policy set out in the program manuals.

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 determined Petitioner's eligibility for Medical Assistance (MA) in February of 2020.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

Joan King
305 Ludington St.
Escanaba, MI
49829

Delta (UPSC Hearings) County DHHS- via
electronic mail

BSC1- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

████████████████████- via first class mail
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