



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: June 8, 2020
MOAHR Docket No.: 20-001658
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 4, 2020. Petitioner, [REDACTED] appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Rollin Carter, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 40-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close the Medical Assistance (MA) coverage for Petitioner's child, [REDACTED] effective March 1, 2020?

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 applied for and obtained MA for her child, [REDACTED]
2. On October 1, 2019, the Department mailed a health care coverage determination notice to Petitioner to notify her that her child, [REDACTED] was eligible for MA from the Department through the MICHild program, effective September 1, 2019. The notice advised Petitioner that she may be responsible for a premium of \$10.00 per month or \$120.00 per year. The notice further advised that Petitioner would receive an invoice if she was responsible for paying a premium.

3. Petitioner did not receive an invoice for a premium, and Petitioner was not otherwise notified that she had to pay a premium for her child's MA through MICHild.
4. On February 15, 2020, the Department mailed a health care coverage determination notice to Petitioner to notify her that her child, [REDACTED] was no longer eligible for MA, effective March 1, 2020, because the MICHild premium was not paid.
5. On February 27, 2020, Petitioner requested a hearing to dispute the Department's decision.

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 administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Health care coverage for children is available through various programs through the Department, including MICHild. Coverage through MICHild has a \$10.00 monthly premium. BEM 130 (January 1, 2020), p. 1. Failure to pay the premium may result in termination of coverage. *Id.*

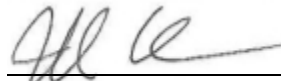
In this case, Petitioner's child was approved for MA from the Department through the MICHild program. Upon approval, the Department told Petitioner that she may have to pay a premium and that she would receive an invoice if she was responsible for a premium. Petitioner never received an invoice for a premium thereafter and never paid a premium. The Department then closed her child's MA for non-payment on the MICHild premium.

Petitioner presented sufficient evidence to establish that the Department did not act properly. The Department notified Petitioner that she would receive an invoice if she was responsible for a MICHild premium, and Petitioner testified that she never received an invoice. The Department did not present any evidence to rebut Petitioner's testimony. Thus, I must find that Petitioner never received an invoice for the MICHild premium before the Department closed her child's MA for non-payment of the MICHild premium.

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 not act in accordance with its policies and the applicable law when it closed the MA coverage for Petitioner's child, [REDACTED], effective March 1, 2020.

IT IS ORDERED the Department's decision is REVERSED. The Department shall begin to implement this decision within 10 days.



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

Saginaw County DHHS – Via Electronic
Mail

D. Smith – Via Electronic Mail

EQAD – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED] MI [REDACTED]