



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: March 10, 2021
MOAHR Docket No.: 21-000282
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon a request for hearing filed on Petitioner's behalf.

After due notice, a telephone hearing was held on March 9, 2021. [REDACTED] Authorized Hearing Representative, appeared on behalf of Petitioner.

Leigha Burghdoff, Appeals Review Officer, appeared on behalf of Respondent, the Michigan Department of Health and Human Services (MDHHS or Department). Tracey Distel, Department Specialist, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Petitioner's request for a Pre-Eligibility Medical Expense (PEME) offset for the month of June 2020?

FINDINGS OF FACT

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

1. Petitioner is Medicaid beneficiary. (Exhibit A; Testimony).
2. On June 30, 2020, Petitioner applied for Medicaid. (Testimony).
3. On August 10, 2020, Petitioner was determined to be eligible for Medicaid beginning July 1, 2020. (Exhibit A; Testimony).
4. On September 18, 2020, Petitioner applied for a PEME to cover Petitioner's medical bills for June 2020. (Exhibit A; Testimony).
5. On November 4, 2020, Department determined Petitioner did not qualify for a PEME offset for June 2020 because June 2020 was the Medicaid application month. (Exhibit A; Testimony).

6. On or around February 2, 2021, the Michigan Office of Administrative Hearings and Rules (MOAHR) received Petitioner's request for hearing. (Exhibit A; Testimony).

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Here, Petitioner applied for a PEME offset and, with respect to that patient pay offset, Bridges Eligibility Manual (BEM) 564 provides:

MSA will determine whether an offset is allowable.

Pre-Eligibility Medical Expenses (PEMEs) are unpaid medical expenses incurred in the three months prior to the application for Medicaid...

In addition, the medical expense(s):

- Must be unpaid, and an obligation still exists to pay.
- The expenses were incurred in the three months prior to the initial application for Long Term Care Medicaid.¹

Pursuant to the above policy, the Department denied Petitioner's request for a PEME offset. In this case, the denial was a result of the offset month being the same month the application was submitted/received by the Department.

Petitioner did not dispute the application date or the policy in question. Nor did Petitioner provide any additional facts that would change the outcome in this case.

Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred. Based on the evidence presented, the Department's decision was proper. Unfortunately, the undersigned administrative law judge has no authority to contravene clear policy nor any equitable powers to grant Petitioner the relief she seeks. Therefore, the Department's decision must be upheld.

¹ BEM 564, July 1, 2020, p 11.

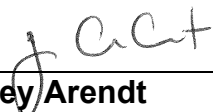
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Petitioner's request for a PEME for the month of June 2020.

IT IS THEREFORE ORDERED THAT:

The Department's decision is AFFIRMED.

CA/dh



Corey Arendt
Administrative Law Judge
for Elizabeth Hertel, 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 30763
Lansing, Michigan 48909-8139

DHHS -Dept Contact

Carol Gates
Customer Service Division
P.O. Box 30479
Lansing, MI 48909

DHHS Department Rep.

M. Carrier
Appeals Section
P.O. Box 30807
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Authorized Hearing Rep.

[REDACTED]
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Agency Representative

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Petitioner

[REDACTED]
MI [REDACTED]