

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).
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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.