



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: March 15, 2021
MOAHR Docket No.: 21-000425
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On January 18, 2021, Petitioner, [REDACTED], requested a hearing to dispute the Department's decision to find her eligible for emergency services only Medical Assistance (MA). As a result, a hearing was scheduled to be held on March 11, 2021, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner's representative, Abdul Basith, appeared at the hearing for Petitioner. Respondent, Department of Health and Human Services (Department), had Michelle Collins, Eligibility Specialist, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 9-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly found Petitioner eligible for emergency services only 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 applied for MA from the Department.
2. Petitioner provided the Department with her permanent resident card which showed that she has been a resident of the United States since March 23, 2016.
3. Petitioner has a category of IRO listed on her permanent resident card.
4. Petitioner had a prior permanent resident card, but she left the United States after it was issued.

5. The Department reviewed Petitioner's application for MA and determined that she was eligible for emergency services only MA because she had not been in the United States for five years.
6. On November 30, 2020, the Department found Petitioner eligible for emergency services only MA.
7. On January 18, 2021, Petitioner requested a hearing.

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.

In this case, the Department found Petitioner eligible for emergency services only MA because the Department determined that Petitioner had not been in the United States for five years. The Department used the resident date on Petitioner's permanent resident card when it determined that she had not been in the United States for five years. The Department reviewed Petitioner's application for MA in [REDACTED] 2020, and the resident date on Petitioner's permanent resident card indicated that Petitioner had been in the United States since March 23, 2016. The Department properly determined that Petitioner had not been in the United States for more than five years at the time she applied for MA.

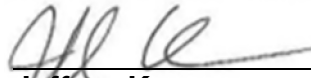
To be eligible for full-coverage MA, an individual must be a United States citizen or an alien admitted to the United States under a specific immigration status. BEM 225 (October 1, 2019), p. 2. Citizenship or immigration status must be verified to be eligible. *Id.* at 2. A permanent resident alien with any class code other than RE, AM, or AS is eligible for MA, but MA is limited to emergency services only for the first five years. *Id.* at 6-7. The Department properly applied the relevant policies when it determined that Petitioner was eligible for emergency services only because Petitioner was a permanent resident alien with a class code other than RE, AM, or AS, and she had not been in the United States for more than five years at the time she applied for MA.

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 that Petitioner was eligible for emergency services only MA.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/cc



Jeffrey Kemm
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 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Wayne-55-Hearings
BSC4-HearingDecisions
EQADHearings
C. George
MOAHR

Authorized Hearing Rep.- Via USPS:

[REDACTED]

Petitioner- Via USPS:

[REDACTED]