



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: March 4, 2022  
MOAHR Docket No.: 21-005592  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 8, 2022, from Lansing, Michigan. The Petitioner appeared and was represented by herself. The Department of Health and Human Services (Department) was represented by Melissa Stanley Hearing Facilitator. Department Exhibit 1, pp. 1-31 was received and admitted.

### **ISSUE**

Did the 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 was eligible for MA-G2S with a \$ [REDACTED] deductible effective April 2021. (Ex. 1, p.15)
2. On October 6, 2021, a Health Care Coverage Determination Notice was sent to Petitioner informing her that she met her deductible and was eligible for full Medicaid for the month of June 2021. (Ex. 1, pp. 8-10)
3. The Department received Petitioner's April 21, 2021, service date medical bills on September 23, 2021, and processed those bills. The dates on those bills are September 13, 2021, and August 8, 2021, (Ex. 1, pp. 28-29)

4. Petitioner testified at hearing that she received the bill for the April 21, 2021, service date in June 2021 and submitted those bills to the Department and followed up with her worker.
5. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing how her medical bills were processed.

### 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.

#### **Meeting a Deductible**

Meeting a deductible means reporting and verifying allowable medical expenses (defined in "EXHIBIT I) that equal or exceed the deductible amount for the calendar month tested.

Use the NON-L/H PAST AND PROCESSING MONTHS section for non-L/H months and the L/H PAST AND PROCESSING MONTHS section for L/H months to determine both:

- The order in which to deduct expenses.
- When to identify a group's liability.

IDENTIFYING A GROUP'S LIABILITY explains how to determine the group's share of its expense(s) on the first day of MA coverage.

**Example:** The client incurs a medical expense in January 2016. The expense was **reported**, and verification turned in to DHHS in August 2016.

- As the expense was reported later than the last day of the third month (April 30, 2016) after the expense, it cannot be used for January 2016.
- The expense can be used as an old bill. BEM 545

In this case, the Department representative testified that they received Petitioner's April 21, 2021, service date medical bills on September 23, 2021, and processed those bills. Since the bill was submitted more than 3 months after the final day of the service month which would have been July 31, 2021, that bill could not be used to meet Petitioner's deductible for April 2021. BEM 545 The dates on the bills in the exhibit packet for the April 21, 2021, service dates are September 13, 2021, and August 8, 2021. (Ex.1, pp. 28-29)

Petitioner testified that she submitted the bill for the April 21, 2021, service date in June 2021, when she received it and she followed up with her worker. The Department case notes in the exhibit packet do not reflect that any medical bills were received by the Department in June 2021. (Ex. 1, pp. 12-13) Petitioner testified at hearing that she did not have copies of the bills she received in June 2021. Petitioner provided inadequate proof that she submitted April 21, 2021, service date bills prior to the July 31, 2021, deadline to be used to meet her deductible for April 2021.

The Department provided sufficient proof that they processed Petitioner's bills in accordance with Department policy. BEM 545

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 processed Petitioner's medical bills and determined Petitioner's MA eligibility.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr

  
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Aaron McClintic  
Administrative Law Judge

**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**

Elisa Daly  
411 East Genesee  
PO Box 5070  
Saginaw, MI 48607

Saginaw County DHHS- via electronic mail

BSC2- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

**Petitioner**

██████████ - via first class mail  
██████████  
██████████, MI ██████████