



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 12, 2022
MOAHR Docket No.: 22-001040
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On April 7, 2022, Petitioner, ██████████ ██████████, requested a hearing to dispute the Department's decision to close her Medicare Savings Program (MSP) coverage. As a result, a hearing was scheduled to be held on April 7, 2022, pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had April Sprague, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 45-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly closed Petitioner's Medicare Savings Program coverage?

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 had MSP coverage until ██████████ 2021.
2. The Department erroneously closed Petitioner's MSP coverage contrary to policies enacted in response to the COVID-19 pandemic.
3. The Department did not notify Petitioner that it closed her MSP coverage.
4. When the Department closed Petitioner's MSP, the Department ceased paying her Medicare premium, and the Social Security Administration (SSA) began withholding Petitioner's Medicare premium from her social security payment.

5. Petitioner contacted the Department to inquire about her MSP when she noticed that her Medicare premium was being withheld from her social security payment.
6. The Department reviewed Petitioner's case and determined that it erroneously closed her MSP.
7. The Department reinstated Petitioner's MSP coverage so that Petitioner would not have any lapse in coverage.
8. Due to a problem coordinating Petitioner's MSP coverage with the SSA, the Department has not started paying her Medicare premium yet.
9. Petitioner is continuing to pay her Medicare premium even though she has MSP coverage.
10. On April 7, 2022, Petitioner requested a hearing because she is having to pay her Medicare premium when she has MSP coverage that should pay her Medicare premium.

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.

Petitioner requested a hearing because the Department stopped paying her Medicare premium when Petitioner still had MSP coverage. The Department never notified Petitioner that it was closing her MSP coverage, and the Department acknowledged that it closed her MSP coverage erroneously. Therefore, the Department did not properly close Petitioner's Medicare Savings Program coverage, and the Department's decision is reversed.

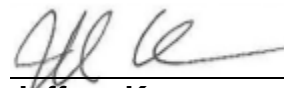
The Department testified that it has reinstated Petitioner's MSP coverage, but it has not started paying her Medicare premium yet due to a problem coordinating with the SSA. The Department shall take all action necessary to ensure that Petitioner's MSP coverage starts paying her Medicare premium as soon as possible.

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 properly close Petitioner's Medicare Savings Program coverage.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall reinstate Petitioner's Medicare Savings Program coverage, and the Department shall take all action necessary to ensure that her coverage starts paying her Medicare premium as soon as possible. The Department shall begin to implement this decision within 10 days.

JK/mp



Jeffrey Kemm
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

