



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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Date Mailed: December 28, 2022
MOAHR Docket No.: 22-005229
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 December 7, 2022, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Rolla Ley, Hearing Facilitator and Lead Worker, and Julie Irwin, Assistance Payments Worker.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-6.

ISSUE

Did the Department properly re-determine eligibility for Medical Assistance (MA) for Petitioner's granddaughter?

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's granddaughter A.S. was born [REDACTED] 2003. (Petitioner Testimony)
2. A.S. was receiving MA under the Healthy Kids category (MA-HK).
3. The Department determined the A.S. would age out of MA-HK when she turned age 19.
4. On October 8, 2022, a Health Care Coverage Determination Notice was issued stating A.S. was eligible for MA under the Healthy Michigan Plan category (MA-HMP) effective November 1, 2022. (Exhibit A, pp. 4-6)

5. On November 14, 2022, Petitioner filed a hearing request contesting the change in MA eligibility for A.S. because the dental coverage changed along with the change in MA eligibility and her dentist does not accept the dental coverage with MA-HMP.

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.

MA-HK eligibility ends when the beneficiary reaches age 19. BEM 131, January 1, 2022, p. 3. An ex parte review is required before Medicaid closures when there is an actual or anticipated change unless the change would result in closure due to ineligibility for all Medicaid. The review includes consideration of all MA categories; see BAM 115 and 220. BEM 131, January 1, 2022, p. 3.

In this case, the Department properly completed an ex parte review to re-determine MA eligibility for A.S. because she was going to age out of the MA-HK category when she turned age 19.

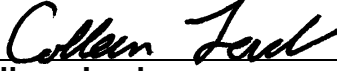
Petitioner explained that someone she spoke with, Janiqua, told her A.S. was eligible to receive MA-HK until she is 21 years old. A.S. was in the middle of a treatment plan with her dentist, who does not accept the dental coverage with the MA-HMP category. (Exhibit A, p. 3; Petitioner Testimony) Unfortunately, Petitioner was given incorrect information. The above cited BEM 131 policy is clear that MA-HK eligibility ends when the beneficiary reaches age 19. Accordingly, the Department's determination must be upheld.

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 re-determined MA eligibility for A.S.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge

