



GRETCHEN WHITMER
GOVERNOR

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

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Date Mailed: March 10, 2023
MOAHR Docket No.: 23-000064
Agency No.: 100092558
Petitioner: Charles McClain

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 9, 2023, from Detroit, Michigan. Petitioner appeared for the hearing with his Authorized Hearing Representative (AHR) Linda Blake. The Department of Health and Human Services (Department) was represented by Deasia Sampson, Eligibility Specialist and Sylvester Williams, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's Medical Assistance (MA) benefits?

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 is an ongoing recipient of MA benefits with a monthly deductible.
2. Petitioner was hospitalized for inpatient treatment from March 29, 2022, through April 21, 2022. Petitioner submitted verification of the expenses on or around June 10, 2022. (Exhibit A, pp. 6-20)
3. On November 1, 2022, the Department sent Petitioner a Health Care Coverage Determination Notice advising him that he was approved for full coverage MA from March 1, 2022, to March 31, 2022. (Exhibit A, pp. 21-23)
4. On or around January 4, 2023, a hearing was requested on Petitioner's behalf, disputing the Department's actions with respect to the processing of the medical

expenses and application to Petitioner's monthly MA deductible. (Exhibit A, pp. 2-3)

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.

In this case, the hearing was requested to dispute the Department's failure to properly process medical expenses incurred and apply them to Petitioner's MA deductible for the appropriate months. Petitioner's AHR asserted that while full coverage MA was added for the months of March 2022 and May 2022, there was no coverage added for April 2022, and subsequent ongoing months, as required. At the hearing, the Department representative testified that medical expenses had been received and processed to be applied to Petitioner's MA deductible. The Department representative confirmed that Petitioner's full coverage MA was activated for March 2022 and May 2022, but it was unclear why Petitioner did not receive full coverage MA for the month of April 2022, as the Department acknowledged there was an inpatient hospitalization in April 2022 that would be sufficient to meet a deductible for the month. See BEM 545 (July 2022). The Department conceded that the medical expenses documenting Petitioner's inpatient hospitalization should be reprocessed and appropriately applied to Petitioner's MA deductible for March 2022 and all subsequent months. Additionally, the Department agreed with Petitioner's AHR's argument that in accordance with MSA 20-19, because Petitioner met his MA deductible for March 2022, full coverage MA should be added to Petitioner's MA case for all subsequent months, until the expiration of the public health emergency (PHE). (See MDHHS Medical Services Administration Bulletin MSA 20-19, accessed at https://www.michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Folder1/Folder85/MSA_2019_Final_Bulletin.pdf?rev=79773edf62c443728a916d18fb5aca99&hash=0F216C8CE0B6BED1581965EACA59DF0E). According to the MSA Bulletin 20-19, individuals who have active coverage through a met deductible during the declared health emergency period will continue to have active coverage open until the end of the health emergency.

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 act in accordance with Department policy when it processed Petitioner's MA benefits.


DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process Petitioner's medical expenses and apply the expenses to Petitioner's MA deductible for all applicable months;
2. Provide Petitioner with full coverage MA from March 1, 2022, and continuing for all subsequent months until the end of the public health emergency; and
3. Notify Petitioner and his AHR in writing of its decision.

ZB/ml



Zainab A. Baydoun
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

Via Electronic Mail :

DHHS

Linda Gooden
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25620 W. 8 Mile Rd
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Interested Parties

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Via First Class Mail :

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