



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 18, 2024
MOAHR Docket No.: 24-001949
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 March 25, 2024. Petitioner was present at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Arnesia Woods, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Medicaid (MA) case?

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 an ongoing recipient of MA as a Social Security Insurance (SSI) recipient. Petitioner's SSI benefit case closed in November 2022.
2. Under the Families First Coronavirus Response Act (FFCRA), PL 116-127, Michigan received additional federal MA funding during the COVID-19 pandemic health emergency (PHE).
3. As a condition for receiving the increased funding, § 6008 of the FFCRA required that the Department provide continuous MA coverage for individuals who were enrolled in MA on or after March 18, 2020, even if those individuals became ineligible for MA for reasons other than death, residing outside of Michigan, or requesting that MA be discontinued.

4. The MA continuous coverage requirement under § 6008 of the FFCRA was not indefinite.
5. The Consolidated Appropriations Act, 2023 (CAA, 2023), PL 117-328, terminated the continuous coverage requirement effective March 31, 2023.
6. Beginning April 1, 2023, the CAA, 2023 required the Department to reevaluate almost all MA recipients' eligibility for ongoing MA.
7. In connection with evaluating Petitioner's ongoing eligibility for MA, on December 11, 2023, the Department sent Petitioner a Health Care Coverage Supplemental Questionnaire (Questionnaire) form requesting updated information for eligibility review purposes.
8. Petitioner did not respond to the Department's request.
9. On February 16, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) notifying Petitioner that effective March 1, 2024 Petitioner's MA case would close because he failed to submit the Questionnaire.
10. On February 23, 2024, the Department received Petitioner's hearing request disputing the MA closure.

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.

Petitioner's MA case was closed effective March 1, 2024 because he failed to return the Questionnaire and required proofs to the Department so it could determine his continued eligibility for MA. Petitioner disputes the Department's action and the closure of his MA case.

The Department administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. BEM 150 (January 2024), p. 1. Because Petitioner was a SSI recipient, he received MA-SSI for the duration of his SSI eligibility

and during that continued time during the PHE when the Department was not obligated to conduct redeterminations. § 6008 of the FFCRA. However, once redeterminations commenced and the Department became aware that Petitioner's SSI had stopped, Petitioner was no longer eligible for MA for SSI recipients, and the Department had to determine Petitioner's continued MA eligibility. *Id.*

When an individual's SSI case is terminated for reasons other than death or loss of residency, the Department transfers the MA coverage to SSI Terminated (SSI-T) MA while the ex parte review/redetermination process is completed. BEM 150, p. 6; BAM 210 (January 2024), p. 2. Medicaid benefits stop unless the redetermination is completed and a new benefit period is certified. BAM 210, p. 4. Under 42 CFR 435.916(a)(2) and (b), and consistent with §§ 435.948, 435.949, and 435.956, as well as BAM 800 (April 2022), pp. 2-5, the Department can renew MA eligibility using electronic resources/databases available to it. If information provided to the Department by or on behalf of an MA applicant or recipient is reasonably compatible with information obtained by the Department through electronic data exchange services, the Department must determine or renew eligibility based on such information. 42 CFR 435.952(b); BAM 210, p. 1.

If the individual is not eligible for MA based on information retrieved from electronic database services or other reliable sources or if information needed by the Department to determine eligibility cannot be obtained electronically or if the information obtained electronically is not reasonably compatible with information provided by or on behalf of the individual, then the Department may not deny or terminate eligibility or reduce benefits for the individual unless it first seeks additional information from the individual. 42 CFR 435.952(c) and (d). The Department may request from the MA applicant or recipient only information that has changed or is missing. BAM 210, p. 2. Non-MAGI MA recipients must be provided with a reasonable period of time to return their renewal form and any required documentation.

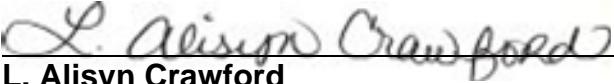
Here, on December 11, 2023 the Department sent Petitioner a prepopulated Health Care Coverage Supplemental Questionnaire, which it asked Petitioner to complete and return by January 10, 2024 (Exhibit A, pp. 5-8). The Department explained that it needed the information requested in the questionnaire to assess Petitioner's ongoing MA eligibility. Petitioner acknowledged receiving the Questionnaire but admitted he did not timely return it. Petitioner explained at the hearing that he attempted to provide the Questionnaire with accompanying paystubs timely but he lost access to his paystubs after losing his job. He went on to state that he eventually obtained the paystubs and he tried to fax the information to the Department. However, he states that he was unable to do so due to size of the documents he was attempting to send. Because the Department never received Petitioner's completed Questionnaire or required proofs, it properly closed Petitioner's case in accordance with Department policy.

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 closed Petitioner's MA case.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
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

Dora Allen

Wayne-Gratiot/Seven-DHHS

4733 Conner Suite G 7 Lappin

Detroit, MI 48215

MDHHS-Wayne-76-Hearings@michigan.gov

Interested Parties

M Schaefer

EQAD

Via First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]