



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: July 11, 2024
MOAHR Docket No.: 24-004435
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on June 12, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner Medical Savings Program (MSP) 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. On March 5, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) denying Petitioner MSP effective April 1, 2024. (Exhibit A, pp. 11 – 13).
2. On March 22, 2024, the Department received a request for MSP from Petitioner. (Exhibit A, p. 1).
3. On April 11, 2024, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of assets. (Exhibit A, p. 1).
4. On April 16, 2024, the Department received a request from hearing from Petitioner regarding denial of MSP. (Exhibit A, pp. 3 – 5).

5. Prior to April 28, 2024, the Department noted receipt of verification of assets and proof of Petitioner's income from Petitioner on February 20, 2024. (Exhibit A, pp. 1, 8 – 10).
6. On May 6, 2024, the Department sent Petitioner a HCCDN approving Petitioner for MSP effective April 1, 2024 ongoing. (Exhibit B, pp. 8 – 10).

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 requested a hearing to dispute denial of his request for MSP. After Petitioner submitted his request for hearing and prior to the hearing, Petitioner was approved for MSP.

The Medicare Savings Program (MSP) is an SSI-related MA category and is not limited to Group 1 or Group 2 MA. BEM 165 (October 2022), p. 1. The State will pay for a client's Part B Medicare premium and possibly other Medicare copays and deductibles if a client is eligible for MSP. There are three (3) categories of MSP: Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), and Q1 Additional Low-Income Medicare Beneficiaries (ALMB). BEM 165, p. 1. Each of these categories has different benefits. BEM 165, pp. 1 – 2.

On May 6, 2024, the Department approved Petitioner for MSP – SLMB effective April 1, 2024 ongoing. (Exhibit B, pp. 8 – 10). SLMB pays an individual's Medicare Part B premiums. BEM 165, p. 2. The Department established that Petitioner had ongoing, uninterrupted MSP coverage under SLMB. Although Petitioner did not dispute coverage under SLMB, he declined to withdraw his hearing request because of an unresolved concern Petitioner had regarding whether the Social Security Administration (SSA) will reimburse Medicare Part B premiums already withheld from his Retirement, Survivors, and Disability Insurance (RSDI) on and after April 1, 2024.

The payment of Medicare Part B premiums under MSP is administered by the Department under a Buy-In program. BAM 810 (January 2020), p. 1. It takes the SSA

about 120 days after the client's MSP is approved to adjust the client's RSDI check, and the client will receive a refund for premiums paid while the buy-in was being processed. BAM 810, p. 8. Because the Department approved Petitioner for MSP – SLMB, any adjustments to Petitioner's RSDI and any refunds owed to him will be processed by SSA. Therefore, the Department acted properly, and the undersigned has no authority to order the Department to do anything further.


Petitioner requested a hearing to dispute denial of his request for MSP. In his hearing request, he also checked the box for FAP but confirmed at the hearing that FAP was marked in error. (Exhibit A, p. 4). Therefore, the request for hearing concerning FAP is DISMISSED.

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 approved Petitioner's request for MSP.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to Petitioner's MSP and **DISMISSED IN PART** with respect to FAP.

CML/nr



Caralyce M. Lassner
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

Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4

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N. Denson-Sogbaka

B. Cabanaw

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EQAD

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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