



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]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: July 25, 2024
MOAHR Docket No.: 24-005787
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on June 25, 2024, via teleconference. Petitioner appeared and represented herself. Priya Johnson, Assistance Payments Supervisor, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-17.

ISSUE

Did MDHHS properly terminate Petitioner's Medicaid (MA) 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, her husband, her daughter and two sons (Minor Children) were ongoing recipients of MA coverage.
2. On October 4, 2023, MDHHS sent Petitioner a Redetermination for MA, which was due on November 3, 2023 (Exhibit A, p. 7).
3. On December 15, 2023, MDHHS sent Petitioner a Health Care Coverage Determination Notice, indicating that Minor Children were no longer eligible for MA, effective January 1, 2024 ongoing (Exhibit A, p. 14).
4. On March 13, 2024, Petitioner requested a hearing regarding the MA closure (Exhibit A, pp. 3-4).

CONCLUSIONS OF LAW

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).

Medicaid (MA) 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. MDHHS administers pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA is also known as Medical Assistance. BEM 105 (January 2024), p. 1.

In this case, MDHHS alleged that Petitioner failed to return the Redetermination Packet in a timely manner. Petitioner testified that she, her daughter, and her husband still had MA coverage, but Minor Children did not.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. The redetermination/renewal process includes a thorough review of all eligibility factors. *Id.* For MA, a redetermination is an eligibility review based on a reported change. *Id.* A renewal is the full review of eligibility factors completed annually. *Id.* MA Benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit period is certified. *Id.*, p. 4. The renewal month is 12 months from the date the most recent complete application was submitted. *Id.* A redetermination packet is considered complete when all the sections of the redetermination form, including the signature section, are completed. *Id.*, p. 12. An ex parte review is required before MA closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all MA. *Id.*, p. 2. When possible, an ex parte review should begin at least 90 calendar days before the anticipated change is expected to result in case closure. *Id.*

At the hearing, Petitioner credibly testified that she submitted the Redetermination Packet in fall 2023. MDHHS confirmed that Petitioner, her husband and her daughter had active MA benefits at the hearing. MDHHS testified that that the two children who lost MA coverage (Minor Children) had a different benefit period than the rest of the family. MDHHS testified that it received a Redetermination Packet from Petitioner in July 2023. MDHHS could not provide an adequate explanation regarding why Minor Children had a separate benefit period than the rest of the family.

Different MA categories have varying requirements regarding redeterminations and renewals. For example, Modified Adjusted Gross Income (MAGI)-related MA categories require a passive renewal, meaning that the state must use all information currently available to the state to renew eligibility. BAM 210, p. 1. It is unclear which MA categories Petitioner's household members were approved for based on the evidence presented. It is also unclear whether MDHHS' determination regarding Minor Children's benefit period

was correct and/or whether MDHHS should have completed a passive renewal of Minor Children's eligibility factors prior to termination, especially given that it confirmed Petitioner's household eligibility criteria in July 2023. Additionally, Petitioner credibly testified that she submitted all documentation required to verify the eligibility factors for the household.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it terminated Minor Children's MA coverage.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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. Redetermine Minor Children's eligibility for MA coverage, beginning January 1, 2024 ongoing;
2. Provide Minor Children with the most beneficial category of MA coverage that they are eligible to receive, from January 1, 2024 ongoing; and
3. Notify Petitioner of its decision(s) in writing.

LJ/pt



Linda Jordan
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
M. Schaefer
EQAD
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Via-First Class Mail:

Petitioner
[REDACTED]
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