



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: August 3, 2022  
MOAHR Docket No.: 22-002862  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Landis Lain**

**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 August 2, 2022, from Lansing, Michigan. Petitioner ██████████ self-represented at the hearing. The Department of Health and Human Services (Department) was represented by Ryan Bloyd, Family Independence Services Case Manager and Becky Frasier, Family Independence Manager.

**ISSUE**

Did the Department properly cancel Petitioner's Medicare Savings Program 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 RSDI benefit recipient.
2. On June 7, 2022, updated information regarding SSA disability determination was reported to DHS. The Social Security Administration determined that Petitioner no longer meets qualifications for RSDI and Medicare effective ██████████ 2022.
3. Since Medicare premiums have ceased, Petitioner no longer has a need for the Medicare Savings Program to pay her Part B premium.
4. Medicare is administered by the Social Security Administration.

5. DHHS has not made a determination with regard to eligibility of Medicare.
6. Petitioner remains eligible for Medicaid from DHHS.
7. On March 3, 2022 a Hearing Request was received by local DHS office.

### **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.

Pertinent Department policy indicates:

Medicare is a federal health insurance program administered by the Social Security Administration (SSA). Medicare has three parts: Part A, hospital insurance (HI), and Part B, supplementary medical insurance (SMI), Part D, prescription drug coverage. A person receiving Medicare may have to pay a monthly premium for his Medicare. A person is also responsible for some of the cost of Medicare-covered services. These costs are called coinsurances and deductibles. Medicaid coverage includes Medicare cost-sharing benefits. This means Medicaid pays Medicare Part B premiums or Part A and B premiums, coinsurances and deductibles for certain Medicaid recipients. A person who can receive Medicare Part A free of charge is encouraged to apply for it.

The Michigan Department of Health and Human Services (MDHHS) Medical Services Administration (MSA) administers the Buy-In programs. BAM 810 page 1

A person will usually be eligible for Part A under section 226 or 226A of the Social Security Act if he or she:

- Has received RSDI or Railroad Retirement disability/blindness benefits for 24 consecutive months

A person is usually eligible for Part A under section 1818A of the Social Security Act if he meets all of the following criteria:

- Is under age 65.
- Has been entitled to Medicare Part A based on disability (including child's or widow(er)'s benefits based on disability).
- Continues to have the disabling impairment upon which his Part A eligibility has been based.
- Entitlement to disability-based Part A has ended solely because earnings exceed the dollar limit used to determine whether a person is performing a substantial gainful activity (SGA).
- Is not otherwise eligible for Part A.
- Applies for enrollment during the Initial Enrollment Period or a General Enrollment Period. BAM 810, page

In this case, Petitioner was eligible for Part B Medicare because she was eligible for Part A Medicare, based upon her RSDI disability status and receipt of RSDI benefits through the Social Security Administration.


On June 7, 2022, updated information regarding SSA disability determination was reported to DHS. The Social Security Administration has determined that Petitioner no longer meets qualifications for RSDI and Medicare effective [REDACTED] 2022. Since her Medicare premiums have ceased, she no longer has a need for the Medicare Savings Program to pay her Part B premium. Medicare is administered by the Social Security Administration.

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 determined that Petitioner no longer has a need for Medicare Savings Program to pay her Part B premium because she is no longer receiving RSDI through the Social Security Administration.

### **DECISION AND ORDER**

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

LL/ml

  
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Landis Lain  
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**  
Kimberly Kornoelje  
Kent County DHHS  
121 Franklin SE  
Grand Rapids, MI 49507  
**MDHHS-Kent-Hearings@michigan.gov**

**Interested Parties**

BSC3  
C. George  
EQAD  
MOAHR

**Via First Class Mail :**

**Petitioner**

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