



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: January 25, 2023
MOAHR Docket No.: 22-006095
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon Petitioner's request for a hearing.

After due notice, a hearing was held on January 24, 2023. [REDACTED] Petitioner's Niece, and Authorized Hearing Representative appeared on behalf of Petitioner. Emily Piggott, Appeals Review Officer, represented the Respondent, Department of Health and Human Services (DHHS or Department). Darlene Thompson, Adult Services Worker (ASW) appeared as a witness for the Department.

ISSUE

Did the Department properly deny Petitioner's Home Help Services (HHS) application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is a Medicaid beneficiary who was referred for HHS on or about October 6, 2022. (Exhibit A, p 8.)
2. On October 6, 2022, the Department sent Petitioner a DHHS 54A Medical Needs form and a letter indicating the 54A needed to be signed and completed by Petitioner's physician. (Exhibit A, p 9.)
3. On November 10, 2022, the Department spoke with Petitioner and [REDACTED]. The Department inquired about the medical needs form not being returned by October 27, 2022. Petitioner indicated he was upset with his social worker not providing the paperwork on his behalf. The Department indicated they would provide Petitioner with new paperwork to submit for reapplication. (Exhibit A, p 10.)

4. On November 10, 2022, the Department sent Petitioner a Negative Action Notice. The notice indicated Petitioner's request for services was being denied as a result of a 54A Medical Needs Form not being returned within 21 calendar days. (Exhibit A, p 11.)
5. On December 15, 2022, Petitioner's hearing request was received by the Michigan Office of Administrative Hearings and Rules. (Exhibit A, pp 4-5.)

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Home Help Services (HHS) are provided to enable functionally limited individuals to live independently and receive care in the least restrictive, preferred settings. These activities must be certified by a physician and may be provided by individuals or by private or public agencies.

Adult Services Manual (ASM) 115 addresses HHS requirements:

MEDICAL NEEDS FORM (DHS-54A)

The DHS-54A, Medical Needs form must be signed and dated by a medical professional certifying a medical need for personal care services based on the existing medical condition, physical disability, or cognitive disability of the client. The medical professional must be an approved Medicaid provider, enrolled in CHAMPS, and hold one of the following professional licenses:

- Physician (M.D. or D.O.).
- Physician assistant.
- Nurse practitioner.
- Occupational therapist
- Physical therapist.

The DHS-54A, Medical Needs form is only required for Home Help clients at the initial opening of a case...¹

¹ ASM 115, September 1, 2021, pp 1-2.

Adult Services Manual (ASM) 105 addresses HHS eligibility requirements:

Requirements

Home help eligibility requirements include all of the following:

- Medicaid eligibility.
- Appropriate program enrollment type (PET) code.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment indicating a functional limitation of level 3 or greater for activities of daily living (ADL).²

The Department witness testified that the Department never received a completed 54A from Petitioner and had no choice but to deny Petitioner's request for services based upon the policies provided.

Petitioner did not dispute the Department's contention that a 54A was never submitted/received. Rather, the Petitioner argued they were still in need of services.

Per policy, the ASW could not approve Petitioner for HHS without a 54A Medical Needs form indicating a need for assistance with personal care. The evidence clearly shows a completed 54A was never received by the Department. Accordingly, the denial of Petitioner's HHS application is upheld. If Petitioner does in fact have a need for assistance with personal care, they can reapply for HHS and submit a 54A Medical Needs form indicating a need for such care. The undersigned has no authority to ignore clear policy and no authority to grant Petitioner any equitable relief.

² ASM 105, June 1, 2020, p 1.

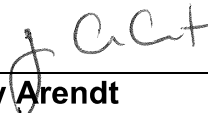
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Petitioner's HHS application based on the available information.

IT IS THEREFORE ORDERED:

The Department's decision is **AFFIRMED**.

CA/pe

A handwritten signature in black ink, appearing to read "Corey Arendt", is written over a horizontal line.

Corey Arendt
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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 30763
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS Department Contact

Michelle Martin
Capitol Commons
Lansing, MI 48909
**MDHHS-Home-Help-
Policy@michigan.gov**

Agency Representative

Emily Piggott
DCH Appeals Section
222 N Washington Square
Lansing, MI 48909
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DHHS

Dawn Tromontine
Macomb County DHHS Sterling
Heights Dist.
41227 Mound Rd.
Sterling Heights, MI 48314
**MDHHS-Macomb-36-
Hearings@michigan.gov**

DHHS Department Representative

M. Carrier
Department Community Health
MDHHS
Lansing, MI 48909
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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]