



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: May 10, 2023
MOAHR Docket No.: 23-001854
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 42 CFR 431.200 to 431.250; and 42 CFR 438.400 to 438.424, upon the Petitioner's request for a hearing.

After due notice, a hearing was held on May 3, 2023. Petitioner appeared on her own behalf and offered testimony. John Lambert, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Jocelyn Murphy and Brandi Walker, Adult Services Supervisors, appeared as witnesses for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing summary

ISSUE

Did the Department properly determine the start date of the Petitioner's Home Help Services (HHS) and properly determine Petitioner's husband was able to provide care?

FINDINGS OF FACT

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

1. On December 9, 2022, the Department received from Petitioner, a Home Help Services. (Exhibit A; Testimony.)
2. On December 28, 2022, an assessment took place to assess Petitioner for HHS. During the assessment, Petitioner was informed that the Doctor who completed the 54-A on her behalf was not an acceptable provider; and she

would need to have a new 54-A completed. (Exhibit A; Testimony.)

3. On January 12, 2023, the Department received a new 54-A that was signed by an acceptable provider. (Exhibit A.)
4. On January 18, 2023, the Department received from Petitioner and Petitioner's preferred provider, a DHS 4676. (Exhibit A; Testimony.)
5. On January 19, 2023, the Department spoke with Petitioner regarding her spouse. During the conversation, Petitioner indicated her spouse worked at [REDACTED] but was unable to care for her due to a learning disability. (Exhibit A; Testimony.)
6. On January 20, 2023, the Department sent Petitioner a notice indicating her request for HHS had been approved, but that her provider had not yet been approved. (Exhibit A; Testimony.)
7. On January 26, 2023, the Department left a phone message for Petitioner regarding her preferred provider having a permissive exclusion. (Exhibit A; Testimony.)
8. On January 27, 2023, the Department sent Petitioner a Home Help Personal Choice and Acknowledgment of Provider letter and asked that the form be returned. (Exhibit A; Testimony.)
9. On or around January 31, 2023, the Department received an employment verification form regarding Petitioner's husband. (Exhibit A; Testimony.)
10. At some point in time, the Department spoke with [REDACTED] regarding Petitioner's husband's employment. The General Manager of [REDACTED] reported Petitioner's husband worked between 15 and 20 hours a week and needed little direction to perform his job. Consequently, an authorization for services was based on Petitioner's husband being unavailable to assist with toileting and transferring due to work schedule, but available and able to assist Petitioner with bathing, dressing, grooming, laundry and housework. (Exhibit A; Testimony.)
11. On March 23, 2023, the Department sent Petitioner an approval notice for HHS with the time and tasks. (Exhibit A; Testimony.)
12. On March 28, 2023, the Department changed Petitioner's start date to January 30, 2023. The start date coincided with the date they received Petitioner's Home Help Personal Choice and Acknowledgement of Provider form and registration in CHAMPS. (Exhibit A; Testimony.)
13. On April 3, 2023, the Michigan Office of Administrative Hearings and Rules, received from Petitioner, a request for hearing. (Exhibit A.)

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) 101, addresses HHS available services:

Payment Services Home Help

Home help services are non-specialized personal care service activities provided under the independent living services program to persons who meet eligibility requirements.

Home help services are provided to enable individuals with functional limitation(s), resulting from a medical or physical disability or cognitive impairment to live independently and receive care in the least restrictive, preferred settings.

Services not Covered by Home Help

Home help services must not be provided to the following:

...

Services for which a responsible relative is **able** and **available** to provide (such as cleaning, laundry or shopping). A responsible relative is defined as an individual's spouse or a parent of an unmarried child under age 18.¹

ASM 115, addresses HHS adult services requirements:

IMPORTANT DATES

When a signed DHS-390, Adult Services Application, serves as the initial request for services, the referral date must be the date the application was received in the local office.

¹ ASM 101, April 11, 2018, pp 1, 5.

The date that a valid client or guardian signature is received in the local office is the application date.

The DHS-54A, Medical Needs form does not serve as the application for services. If the signature date on the DHS-54A is **before** the DHS-390 received date, payment for Home Help services **MUST** begin on the application date.

Do not authorize Home Help services prior to the date on the medical professional's signature on the DHS-54A.

The case opening date for a Home Help case is the latter of the DHS-390 received date and the DHS-54A medical provider signature date.²

ASM 135, addresses Home Help Caregivers:

Caregiver Enrollment

All caregivers of Home Help must enroll in the Community Health Automated Medicaid Processing System (CHAMPS) and be approved prior to authorizing payment. During the enrollment process, individuals will be screened for criminal history. Once a caregiver is approved, CHAMPS will assign the caregiver a seven-digit provider identification number. ASW must allow 24 hours from the completion of enrollment in CHAMPS for the data to interface with MiAIMS.

In this case, the Department testified the start date of services and payment should be the date the provider was enrolled in CHAMPS. The Department further testified that due to the information provided to them, it was determined Petitioner's HHS time and tasks were affected as they determined Petitioner's husband was able to assist Petitioner with bathing, dressing, grooming, laundry, and housework.

In determining the start date of services and payment, the Department followed the provisions of ASM 135 where it states payment cannot begin until the Provider is enrolled in CHAMPS. In this case, the evidence indicates this registration occurred on January 30, 2023. Additionally, in regard to the determination that Petitioner's husband was able to assist Petitioner with several ADL's and IADL's, the Department relied on a phone conversation with a General Manager from [REDACTED] wherein it was indicated the husband worked 15-20 hours a week and needed little to no assistance completing his work assignments.

² ASM 115, January 1, 2018, pp 3.

The Petitioner in this case did not provide any evidence to rebut the testimony and policy provided by the Department when it came to setting the start date of services. The Petitioner, however, did argue her husband was unable to assist her with any tasks as a direct result of his disability. The Petitioner, however, did not provide any documentation to corroborate her own self-serving statements.

Based on the foregoing, there is sufficient evidence to affirm the Department's actions in this case.

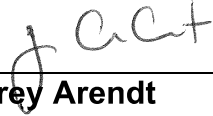
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly determined the effective start date of Petitioner's HHS case and properly determined Petitioner's husband was able to assist her with several ADL's and IADL's.

IT IS THEREFORE ORDERED THAT:

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

CA/pe



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**

DHHS Location Contact

Sherry Reid
MDHHS-Greenview Adult Services
District Wayne County, BSC-4
Detroit, MI 48219
**MDHHS-WC-
MAHSHearing@michigan.gov**

Agency Representative

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Via First Class Mail:

Petitioner

[REDACTED]

[REDACTED] MI [REDACTED]