



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

Date Mailed: August 11, 2023  
MOAHR Docket No.: 23-003324  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Steven Kibit**

**DECISION AND ORDER**

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

After due notice, a telephone hearing was held on July 26, 2023. Petitioner appeared and testified on her own behalf. Tina Dubendorf, Petitioner's care provider, also testified as a witness for Petitioner. Allison Pool, Appeals Review Officer, represented the Respondent Department of Health and Human Services (DHHS or Department). Darlisha Vincent, Adult Services Worker (ASW), testified as a witness for the Department.

During the hearing, the Department submitted one exhibit/evidence packet that was admitted into the record as Exhibit A, pages 1-18. Petitioner did not submit any exhibits.

**ISSUE**

Did the Department properly restart Petitioner's Home Help Services (HHS) with Petitioner's new care provider as of May 23, 2023?

**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 has been approved for HHS through the Department at all times relevant to this matter. (Exhibit A, pages 7-8).
2. In December of 2022, Petitioner's former home help provider stopped providing services. (Testimony of Petitioner).
3. That former home help provider also stopped any mail from coming to Petitioner's house. (Testimony of Petitioner; Testimony of Care Provider).

4. Due to the lack of a provider, Petitioner's HHS were not being delivered. (Testimony of ASW; Testimony of Care Provider).
5. Petitioner subsequently obtained a new home help provider. (Testimony of ASW; Testimony of Care Provider).
6. However, that new provider did not have an active enrollment in the Department's Community Health Automated Medicaid Processing (CHAMPS) system as required to provide HHS. (Testimony of ASW; Testimony of Care Provider).
7. Petitioner and the provider were sent information via mail about re-enrolling and services being restarted with the new provider, but that information was not received due to issues with Petitioner's mail. (Testimony of ASW; Testimony of Petitioner; Testimony of Care Provider).
8. On May 23, 2023, Petitioner's home help provider was re-enrolled in CHAMPS. (Testimony of Care Provider).
9. Petitioner's HHS, with her new provider identified, were then restarted as of May 23, 2023. (Exhibit A, page 9; Testimony of ASW).
10. On June 15, 2023 the Michigan Office of Administrative Hearings and Rules (MOAHR) received the request for hearing filed in this matter with respect to the date Petitioner's HHS were restarted. (Exhibit A, page 5-6).

### **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 statutes, 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.

Regarding the enrollment of providers and the authorization of payments for HHS, Adult Services Manual (ASM) 135 (5-1-2023), states in part that:

The client has the right to choose his or her Home Help caregiver(s). The client is the employer and may terminate the caregiver's employment at any time. Home Help services are a benefit to the client and earnings for the caregiver.

\* \* \*

The ASW must complete an initial face-to-face interview with all Home Help caregiver(s). The ASW must make a face-to-face or phone contact with the caregiver(s) at the six-month review to verify receipt of services. If the last review was a phone contact, a face-to-face contact with the caregiver is mandatory for the next review. The ASW must document the contact in MiAIMS by selecting 'face-to-face-provider' as the contact type and indicating that the contact is an SOP contact, under the Contacts module.

\* \* \*

The caregiver must be enrolled in the Community Health Automated Medicaid Processing System (CHAMPS) and undergo a criminal history screen. The screening must be completed and passed before a provider can be paid to provide Home Help services.

*ASM 135, pages 1, 4-5*

Here, as discussed above, Petitioner has continuously been approved for HHS at all times relevant to this case and has requested a hearing with respect services purportedly provided, but not paid for, by her new home help provider prior to May 23, 2023.

In appealing, Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred in denying Petitioner's request for HHS through her new provider prior to May 23, 2023.

Given the record in this case, Petitioner has not met that burden of proof and the Department's decision should therefore be affirmed.

Per the above policy, while Petitioner has the right to choose his or her Home Help caregiver(s), a caregiver must meet certain requirements before the approved HHS can be provided and paid for. In part, those requirements include the condition that the caregiver must be enrolled in CHAMPS before he or she can be paid for providing HHS.

In this case, it is undisputed that, while Petitioner's new provider may have previously had a provider identification number, she was not actively enrolled in CHAMPS until May 23, 2023, and, consequently, the Department cannot approve services provided by her prior to that date. Moreover, to the extent there was any delay in Petitioner's caregiver enrolling or re-enrolling, it appears that the delay was caused by Petitioner's former provider, who stopped all mail coming to Petitioner, and not the Department.

### DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly restarted Petitioner's HHS with her new provider as of May 23, 2023, and denied any payments for earlier services.

**IT IS, THEREFORE, ORDERED** that:

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



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**Steven Kibit**  
Administrative Law Judge

SK/sj

**NOTICE OF APPEAL:** Petitioner 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

**PROOF OF SERVICE**

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 11<sup>th</sup> day of August 2023.

*S. James*

S. James

**Michigan Office of Administrative  
Hearings and Rules**

**Via Electronic Mail:**

**DHHS Department Contact**

Michelle Martin

MDHHS

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**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED] MI [REDACTED]