



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: September 11, 2023
MOAHR Docket No.: 23-004229
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER OF DISMISSAL

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 via telephone conference line on August 17, 2023. Petitioner participated and was unrepresented. Carol St. Pierre observed the hearing on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Amber Gibson, hearings facilitator.

The 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. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner submitted to MDHHS documents on July █████ 2023, in response to letters she received concerning Healthy Michigan Plan (HMP) costs. Exhibit A, pp. 3-4. A MiHealth Account Statements dated May █████ 2018, stated Petitioner had a balance of \$██████ for past HMP costs. Exhibit A, p. 6. A statement dated September █████ 2018, stated Petitioner's balance was \$██████ Exhibit A, p. 5. Petitioner also received a statement dated June █████ 2023, indicating a \$██████ balance for HMP costs. Exhibit A, pp. 7-8.

HMP has beneficiary cost sharing obligations. BEM 137 (June 2020) p. 1. Cost sharing includes copays and contributions based on income, when applicable. *Id.* Copayments for services may apply to HMP beneficiaries. *Id.* HMP managed care members are required to satisfy cost-sharing contributions through a MI Health Account. *Id.*, p. 2. Cost sharing requirements, which include copays and additional contributions based on a beneficiary's income level, will be monitored through the MI Health Account by the health

plan. *Id.* These requirements begin after the beneficiary has been enrolled in a health plan for six months. *Id.*

Pursuant to 42 CFR 431.201, MA applicants and beneficiaries have a right to a Medicaid hearing because an action, which is defined as a reduction, suspension, termination or denial of Medicaid eligibility or covered service. HMP charges can also be disputed via an internal administrative review by MDHHS. The statement dated June [REDACTED] 2023 advised that Petitioner could dispute the charges by requesting a review by July [REDACTED] 2023. Petitioner submitted to MDHHS documents on July [REDACTED] 2023, specifically requesting a "MI State Insurance REVIEW" of the HMP charges. Exhibit A, pp. 3-4. Instead of a review, MDHHS processed Petitioner's documents as an administrative hearing request. The evidence established that Petitioner sought a review of the charges and not an administrative hearing. Because Petitioner sought a review, and not a hearing, it is proper to forward Petitioner's documents to MDHHS for a review of HMP charges; MDHHS testified it has already done so.¹ As a review of the charges has not yet been performed, the administrative hearing scheduled for August 17, 2023, is properly **DISMISSED**.

CG/mp



Christian Gardocki
Administrative Law Judge

¹ Petitioner should maintain hearing rights if she is dissatisfied with the resolution of the review.

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 :

Interested Parties

MDHHS-Ingham-Hearings
EQAD Hearings
M. Schafer
BSC2

Via-First Class Mail :

Petitioner

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