



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR



Date Mailed: January 17, 2024  
MOAHR Docket No.: 23-008319  
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 January 9, 2024. [REDACTED] Petitioner, appeared and offered testimony on her own behalf. Lana Karadsheh, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Juanita Moore, Adult Services Worker, appeared as a witness for the Department.

**Exhibits:**

|            |                     |
|------------|---------------------|
| Petitioner | None                |
| Department | A – Hearing summary |

**ISSUE**

Did the Department properly close Petitioner's Home Help Services (HHS) case and later determine the appropriate start date of the Petitioner's Home Help Services (HHS)?

**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 or around [REDACTED], Petitioner requested HHS. (Exhibit A.)
2. Shortly after requesting services, Petitioner was approved for and began receiving HHS benefits. (Exhibit A; Testimony.)

3. On October 24, 2023, Petitioner was seen for a six-month review. During the assessment, Petitioner requested her HHS case be closed as she was currently stable and no longer needed services. (Exhibit A; Testimony.)
4. On October 24, 2023, the Department sent Petitioner a Negative Action Notice informing Petitioner of a HHS case closure based on Petitioner's request to terminate services. (Exhibit A; Testimony.)
5. On November 17, 2023, Petitioner submitted to the Department a request for services. (Exhibit A; Testimony.)
6. On November 29, 2023, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for hearing. (Hearing File.)
7. On December 7, 2023, an initial HHS assessment was conducted. Petitioner's provider was not present for the assessment. Petitioner was advised that her chosen provider need to schedule an office visit. (Exhibit A; Testimony.)
8. On December 15, 2023, the Department sent Petitioner a services approval notice. The notice indicated Petitioner's provider needed to schedule an office visit and obtain a provider identification number. (Exhibit A; Testimony.)

### **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.

### **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.

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 of the medical professional's signature on the DHS-54A.**

The case opening date for a Home Help care is the latter of the DHS-390 received date and the DHS-54A medical provider signature date.<sup>1</sup>

### **Negative Actions Not Requiring 10-Day Notice**

The following situations do not require 10-business day notice on negative actions:

- The department has factual confirmation of the death of the client (negative action notice must be mailed to the guardian or individual action on the client's behalf) or death of the caregiver.

**Note:** Cases should remain open until all appropriate payments have been issued.

- The department receives a verbal or written statement from the client, stating they no longer want or require services, or that they want services reduced.

**Note:** This information must be clearly documented in the Contacts module of MiAIMS. Written statements from the client must be maintained in the paper case file and documented in the Contacts module.

- The department receives a verbal or written statement from the client that contains information requiring a negative action. The statement must acknowledge the client is aware the negative action is required, and they understand the action will occur.<sup>2</sup>

### **Need For Service**

The adult services worker (ASW) is responsible for determining the necessity and level of need for home help services based on all of the following:

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<sup>1</sup> Adult Services Manual (ASM) 115, Adult Services Requirements, May 1, 2023, p 3.

<sup>2</sup> ASM, 150, Notification of Eligibility Determination May 1, 2023, pp 2-4.

- Client choice.
- A completed MDHHS-5534, Adult Services Comprehensive Assessment. An individual must be assessed with at least one activity of daily living (ADL) at a level 3 or greater to be eligible to receive home help services.<sup>3</sup>

### Caregiver Interview

...

- 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.**

...

### 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.<sup>4</sup>

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In this case, the Department presented evidence indicating the Petitioner had initially requested the closure of her HHS case and additionally provided evidence and policy indicating the start date of services was correct but that the Department is properly waiting to provide payment until Petitioner can have her chosen Provider enrolled in the CHAMPS system.

Although the Petitioner disputed the facts as alleged by the Department, specifically the facts as they related to the case closure, Petitioner was argumentative; and her details were hard to comprehend and follow. Consequently, I found the Department's witness in this case to be slightly more credible.

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<sup>3</sup> ASM 105, Eligibility Criteria, June 1, 2020, p 3.

<sup>4</sup> ASM 135 Home Help Caregivers, May 1, 2023, pp 3, 6.

As it relates to the start date and Petitioner's request for back payment, the Petitioner failed to provide any evidence to show the case closure was improper or that the Petitioner's provider was properly enrolled in the CHAMPS system as required by policy. Consequently, I find sufficient evidence to affirm the Department's actions in this matter.

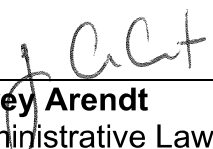
**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly closed Petitioner's HHS case and later properly determined the effective start date of Petitioner's HHS case while Petitioner's Provider registers with CHAMPS.

**IT IS THEREFORE ORDERED THAT:**

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

CA/pe

  
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**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 ELECTRONICE MAIL:**

**AGENCY REPRESENTATIVE**

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**VIA FIRST CLASS MAIL:**

**PETITIONER**

[REDACTED]  
[REDACTED] MI [REDACTED]