



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: February 21, 2024
MOAHR Docket No.: 23-009260
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 13, 2024, from Lansing, Michigan. Petitioner was represented by ██████ ██████ and ██████ ██████ testified on her behalf. The Department was represented by Avery Smith.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner’s eligibility for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On June █████ 2023, the Department received Petitioner’s Renew Benefits form.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$██████
3. On July █████ 2023, the Department notified Petitioner that she was eligible for Medical Assistance (MA) with a \$█████ monthly deductible and the Plan First program.
4. On October █████ 2023, the Department notified Petitioner that she was eligible for Medical Assistance (MA) benefits with a \$█████ monthly deductible.
5. Department records indicate that Petitioner has never been a recipient of Supplemental Security Income (SSI) benefits but is classified as disabled by the Social Security Administration with a disability onset date of November 30, 2016.

6. On December 13, 2023, the Department received Petitioner's request for a hearing protesting the level of Medical Assistance (MA) benefits she is receiving.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 through 42 USC 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 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq.*

Persons may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Department of Health and Human Services Bridges Eligibility Manual (BEM) 105 (January 1, 2024), p 2.

Petitioner is disabled and has been an ongoing recipient of MA benefits under the Healthy Michigan Program (HMP). These benefits were made available to Petitioner during the pandemic, but since emergency health coverage rules have expired, the Department has redetermined her eligibility for ongoing MA benefits.

The Healthy Michigan Program (HMP) provides health care coverage for individuals that do not qualify for Medicare or another category of Medicaid. Department of Health and Human Services Bridges Eligibility Manual (BEM) 137 (January 1, 2024), p 1. Therefore, Petitioner is not eligible for HMP benefits.

MA is available to a person receiving disabled adult children's Retirement, Survivors, and Disability Insurance (RSDI) benefits under section 202(d) of the Social Security Act for individuals that previously received SSI benefits and currently receive DAC RSDI benefits. In this case, Petitioner is disabled and received social security, but has not received SSI and does not receive DAC RSDI. Therefore, Petitioner is not eligible for MA under the Disabled Adult Children (DAC) category.

MA is available to disabled individuals under the AD-CARE category that have an income that does not exceed the federal poverty level. Department of Health and Human Services Bridges Eligibility Manual (BEM) 163 (July 1, 2017), p 1. Petitioner receives monthly RSDI in the gross monthly amount of \$██████ which is 115% of the federal poverty level, and she does not qualify for MA AD-CARE benefits.

It is not in dispute that Petitioner is disabled. Petitioner's eligibility for disability-based MA is limited until her income does not exceed the Group 2 needs level. This occurs when incurred medical expenses exceed the monthly deductible. Department of Health and Human Services Bridges Eligibility Manual (BEM) 166 (April 1, 2017), pp 1-3. The Department was acting in accordance with policy when it determined that Petitioner's is eligible for benefits under the MA-G2s category, which includes a monthly deductible, and that she is not eligible under another category.

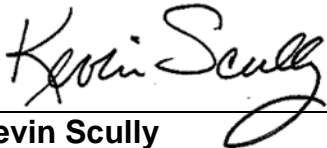
Petitioner's representative testified that Petitioner has been approved for home health care, but that she has been unable to receive this necessary care due to the monthly deductible. Whether Petitioner has been able to bill for home health care after meeting her monthly deductible is beyond the scope of this hearing, but the hearing record supports a finding that Petitioner has been placed in the most beneficial category of MA benefits that she is eligible to receive.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that Petitioner is eligible for Medical Assistance (MA) under the MA-G2s category.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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 :

DHHS
Yaita Turner
Oakland County Southfield District III
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

SchaferM

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Via-First Class Mail :

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Authorized Hearing Rep.

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