



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  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: August 7, 2024  
MOAHR Docket No.: 24-005706  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

### **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; 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 telephone hearing was held on July 11, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Eligibility Specialist.

### **ISSUE**

Did the Department properly determine Petitioner's Medical Assistance (MA) eligibility?

### **FINDINGS OF FACT**

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

1. Petitioner was an ongoing recipient of MA benefits under the Healthy Michigan Plan (HMP).
2. Petitioner is married, pregnant, and files taxes jointly with her husband.
3. On February 6, 2024, Petitioner submitted a change report via the MI Bridges online system. (Exhibit A, pp. 19-20). Petitioner reported her pregnancy and noted that she was expecting one child with a delivery due date of [REDACTED] 2024. (Exhibit A, p. 19).
4. On May 6, 2024, Petitioner submitted a renewal application for MA benefits. (Exhibit A, pp. 9-14). Petitioner was noted as pregnant on the renewal application. (Exhibit A, p. 9).

5. On May 13, 2024, the Department sent a Health Care Coverage Determination Notice (HCCDN) to Petitioner informing her that effective June 1, 2024 she was no longer eligible for MA coverage under HMP due to being pregnant and ineligible for MA coverage under Pregnant Women (PW) program due to being active on HMP. (Exhibit A, pp. 15-16).
6. On May 15, 2024, the Department received a request for hearing from Petitioner to dispute its action regarding her MA case. (Exhibit A, pp. 3-5).

### **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 1396-1396w-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. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Upon reviewing Petitioner's eligibility criteria following her request for hearing, the Department testified that that Petitioner was now eligible for MA coverage under the Group 2 Pregnant Women (G2P) program with a \$4,588 monthly deductible. Petitioner disputes this coverage.

MA is available (i) under SSI-related categories to individuals who are aged (65 or older), blind or disabled, (ii) to individuals who are under age 19, parents or caretakers of children, or pregnant or recently pregnant women, (iii) to individuals who meet the eligibility criteria for Healthy Michigan Plan (HMP) coverage, and (iv) to individuals who meet the eligibility criteria for Plan First Family Planning (PFFP) coverage. 42 CFR 435.911; 42 CFR 435.100 to 435.172; BEM 105 (January 2024), p. 1; BEM 137 (January 2024), p. 1; BEM 124 (July 2023), p. 1. Under federal law, an individual eligible under more than one MA category must have eligibility determined for the category selected and is entitled to the most beneficial coverage available, which is the one that results in eligibility and the least amount of excess income or the lowest cost share. BEM 105 (January 2021), p. 2; 42 CFR 435.404.

Because Petitioner is pregnant or recently pregnant, Petitioner was potentially eligible for MA coverage under the PW program. BEM 125 (April 2022), p. 1. PW MA is a MAGI-related MA category that provides MA full coverage to a woman while pregnant, until the month her pregnancy ends, and during the twelve calendar postpartum months following

the month her pregnancy ended regardless of the reason (for example, live birth, miscarriage, stillborn). BEM 125, p. 1. In most cases, the client must have income under the MAGI methodology at or below 195% of the federal poverty level (FPL) applicable to the individual's group size and the household composition follows tax filing rules found in BEM 211. BEM 125, pp. 1-2.

However, there is no income test for a pregnant woman who is eligible for and receiving coverage under another MA category. She is automatically income eligible for PW through the twelfth calendar month after the month her pregnancy ends. BEM 125 (April 2022), p. 2.

Here, Petitioner notified the Department that she was pregnant on February 6, 2024. At that time, she was an active HMP recipient. Because Petitioner was receiving MA under HMP at the time she notified the Department of her pregnancy, an income test was not required and was eligible to have her MA category transferred from HMP to PW.

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 did not act in accordance with Department policy when it determined that Petitioner was only eligible for MA coverage under G2P.

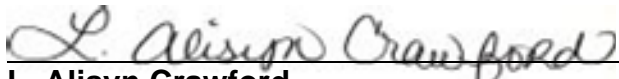
### **DECISION AND ORDER**

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Convert Petitioner's MA coverage to PW from the date she notified the Department of her pregnancy, and
2. Notify Petitioner in writing of its decision.

LC/ml

  
**L. Alisyn Crawford**  
Administrative Law Judge

**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**

Jeanenne Broadnax  
Wayne-Taylor-DHHS  
25637 Ecorse Rd.  
Taylor, MI 48180

**MDHHS-Wayne-18-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]