



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 23, 2024
MOAHR Docket No.: 24-009596
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on September 23, 2024. Petitioner was represented by their Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Philip Jones, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's Long-Term Care or Hospital (L/H) patient-pay amount (PPA)?

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 is over the age of 65, widowed, and lives independently. (Exhibit A, pp. 1, 15, 22 – 23).
2. Petitioner's sole source of income is Retirement, Survivors, and Disability Insurance (RSDI) in the amount of \$984 per month. (Exhibit A, pp. 19, 26).
3. On or about August 1, 2024, the Department received notice that Petitioner was in a nursing home/long term care facility. (Exhibit A, pp. 8 – 10).
4. On August 1, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) approving Petitioner for L/H with a PPA of \$924, effective September 1, 2024. (Exhibit A, pp. 12 – 13).

5. On August 20, 2024, the Department received a request for hearing from Petitioner disputing the amount of Petitioner's PPA. (Exhibit A, p. 4).
6. On ██████████ 2024, the Department received an application for FAP for Petitioner. The application reported that Petitioner was no longer in L/H. (Exhibit A, pp. 1, 20).

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).

FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

On August 19, 2024, Petitioner requested a hearing regarding the amount of her FAP benefits. Petitioner's request for hearing regarding her FAP benefits was resolved prior to hearing and the AHR requested to withdraw the request for hearing as to FAP only. The Department had no objection. Therefore, Petitioner's request for hearing regarding her FAP benefits is dismissed.

The only remaining issue to be decided is whether the Department properly determined Petitioner's L/H PPA.

MA

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.

Petitioner's AHR requested a hearing to dispute the amount of Petitioner's monthly PPA for L/H. The Department determined Petitioner's monthly PPA was \$924, effective September 1, 2024.

A Medicaid (MA) client in L/H may have a PPA, which is the client's share of the cost for L/H. BEM 546 (July 2024), p. 1. The PPA is the client's total countable unearned income plus the client's remaining earned income, minus total need. BEM 546, p. 1. For purposes of PPA, countable unearned income is the gross amount of RSDI (BEM 503 (January 2023), pp. 30 – 31), minus Medicare and other health insurance premiums for the client that are actually withheld from the income. BEM 546, p. 2. For purposes of PPA, needs are limited to specific deductions including, as applicable to Petitioner, a) a \$60 patient allowance, and b) a home maintenance disregard if Petitioner is qualified. BEM 546, pp. pp. 3 – 9.

In this case, a L/H notice was uploaded to Petitioner's file with the Department on August 1, 2024, and reported that Petitioner was admitted to L/H on July 25, 2024, and that her admission was expected to be more than 30 days and less than 12 months. (Exhibit A, p. 8). There was no dispute that Petitioner is a single individual with RSDI income only, in the amount of \$984 per month. (Exhibit A, pp. 11, 19). To determine Petitioner's PPA, the Department began with Petitioner's gross RSDI amount of \$984 and deducted the patient allowance of \$60 only and determined Petitioner's PPA to be \$924. (Exhibit A, p. 11). Though the AHR asserted Petitioner was also eligible for the home maintenance disregard because Petitioner was in L/H less than six months, there was no evidence that additional information was provided to the Department prior to August 1, 2024, the date it issued the HCCDN, regarding the length of Petitioner's L/H stay other than the admission notice. (Exhibit A, pp. 8 – 10, 12 – 13). Further, no evidence was presented that Petitioner was eligible for any other needs deductions.

Therefore, based on the information provided to it, the Department properly determined that the only deduction Petitioner was eligible for was the \$60 patient allowance. When Petitioner's gross RSDI is reduced by her patient allowance of \$60, the remainder is \$924. Therefore, the Department properly concluded that Petitioner's PPA was \$924, effective September 1, 2024.

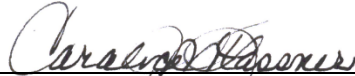
It is noted that as of the effective date of the PPA, Petitioner had already been discharged from L/H.

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 Petitioner's PPA to be \$924, effective September 1, 2024.

DECISION AND ORDER

Accordingly, Petitioner's request for hearing on FAP is **DISMISSED** and the Department's decision is **AFFIRMED** with respect to Petitioner's PPA.

CML/nr



Caralyce M. Lassner
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

Yvonne Hill

Oakland County DHHS Madison Heights Dist.

30755 Montpelier Drive

Madison Heights, MI 48071

MDHHS-Oakland-DistrictII-Hearings@michigan.gov

Interested Parties

BSC4

M. Schaefer

EQAD

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED] MI [REDACTED]