



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

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

Date Mailed: October 29, 2024
MOAHR Docket No.: 24-009890
Agency No.: [REDACTED]
Petitioner: [REDACTED] [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 October 3, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Silvester Williams, Assistance Payments Analyst.

ISSUE

Did the Department properly process Petitioner's Medicare Savings Program (MSP) effective April 1, 2024 ongoing?

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 April 2, 2024, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that approved Petitioner for MSP – Qualified Medicare Beneficiaries (QMB), effective April 1, 2024 ongoing. The HCCDN also denied Petitioner MSP for March 2024. (Exhibit A, p. 5).
2. On August 26, 2024, the Department received a request for hearing from Petitioner regarding Medicare Part B premiums withheld from his Social Security benefits for April 2024, and any month thereafter, and that he had not received reimbursement for those premiums. (Exhibit A, pp. 3 – 4).
3. Petitioner received reimbursement from SSA in the amount of \$349.40.

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.

Petitioner requested a hearing regarding the withholding of his Medicare Part B premiums from his Social Security benefits for April 1, 2024, and any month thereafter, and that he had not received reimbursement for those premiums. The Department approved Petitioner for MSP – QMB effective April 1, 2024 ongoing, and denied Petitioner MSP for March 2024.

To the extent that Petitioner's request for hearing disputed the Department's denial of his eligibility for MSP for March 2024, and asserted that he was entitled to a refund of his March 2024 Medicare Part B premium, the Department would have had to receive Petitioner's request for hearing within 90 days of the date of the written notice of case action, which includes a HCCDN. BAM 600 (June 2024), p. 6. Because the HCCDN that denied Petitioner's eligibility for MSP for March 2024 was issued April 2, 2024, any request for hearing on the Department's denial of Petitioner's eligibility for MSP would have to have been received by the Department no later than July 1, 2024. (Exhibit A, pp. 5 – 8). Petitioner's request for hearing was received by the Department on August 26, 2024. (Exhibit A, pp. 3 – 4). Therefore, any request for hearing on the Department's denial of Petitioner's eligibility for MSP for March 2024 is dismissed as untimely.

The only remaining issue to be addressed is whether the Department properly processed Petitioner's MSP effective April 1, 2024 ongoing.

The MSP is an SSI-related MA category and is not limited to Group 1 or Group 2 MA. BEM 165 (October 2022), p. 1. When a client is approved for MSP, the State will pay for a client's Part B Medicare premium and possibly other Medicare copays and deductibles. BEM 165, p. 2; BAM 810 (January 2020), p. 1. Payments under MSP are administered by the Department's Medical Services Administration (MSA) under a Buy-In program. BAM 810, p. 1. Generally, the Buy-In program operates automatically based on computer tapes from SSA and the Department's central office. BAM 810, p. 8. Once a client has been approved for MSP, the Buy-In is processed at the end of the

calendar month that a case is opened in Bridges, and it takes the Social Security Administration (SSA) about 120 days after the client is approved to adjust the client's Social Security benefits check, and the client will receive a refund for premiums paid while the Buy-In was being processed. BAM 810, p. 8.

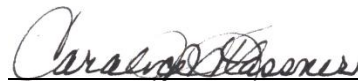
Here, the Department approved Petitioner for MSP – QMB on April 2, 2024, effective April 1, 2024 ongoing, and denied Petitioner MSP for March 2024. (Exhibit A, p. 5). There was no dispute that Petitioner has had ongoing, uninterrupted MSP coverage under QMB since April 1, 2024, and although Petitioner did not dispute his coverage under QMB, he asserted that he was not reimbursed from the SSA for the Medicare Part B premiums withheld from his Social Security benefits on and after April 1, 2024. However, at the end of the hearing, Petitioner testified that he did receive reimbursement of \$349.40 from SSA, which is equal to two months of Medicare Part B premiums. Because the Department approved Petitioner for MSP – QMB, and any adjustments to Petitioner's Social Security benefits, including any refunds owed to him, are processed by SSA, the Department acted properly, and the undersigned has no authority to order the Department to do anything further.

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 approved Petitioner's request for MSP effective April 1, 2024 ongoing.

DECISION AND ORDER

Accordingly, any request for hearing on the Department's denial of Petitioner's eligibility for MSP for March 2024 is **DISMISSED** as untimely, and the Department's decision approving Petitioner for MSP effective April 1, 2024 ongoing is **AFFIRMED**.

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
Tracey Jones
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M. Schaefer
EQAD
MOAHR

Via-First Class Mail :

Petitioner

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