



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: December 11, 2024
MOAHR Docket No.: 24-012268
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 December 10, 2024. [REDACTED] Petitioner, appeared on her own behalf. John Lambert, Appeals Review Officer, appeared on behalf of the Respondent, the Michigan Department of Health and Human Services (Department). Lindsey Rinker appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing Summary

ISSUE

Did the Department properly deny payments to [REDACTED] and [REDACTED] for Home Help Services (HHS) provided to Petitioner?¹

FINDINGS OF FACT

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

¹ BAM 600 provides that a request for hearing must be received by the Department within 90 days of the action. Consequently, only the issues arising within the 90 days immediately preceding the November 6, 2024, request for hearing are addressed in this decision. All other issues arising prior to the 90 days are dismissed for lack of jurisdiction. BAM 600, Hearings, February 1, 2024, pp 2, 6.

1. On April 24, 2017, [REDACTED] enrolled in CHAMPS. (Exhibit A; Testimony.)
2. On or around February 6, 2024, Petitioner was approved for HHS. (Exhibit A.)
3. On September 20, 2024, [REDACTED] enrolled in CHAMPS. (Exhibit A; Testimony.)
4. On October 3, 2024, [REDACTED] submitted to the Department a signed and completed MSA-4676. (Exhibit A; Testimony.)
5. On November 6, 2024, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for hearing. (Exhibit A.)
6. On December 8, 2024, [REDACTED] submitted to the Department a signed and completed MSA-4676. (Testimony.)
7. At no point in time did [REDACTED] provide the Department with an electronic service verification (ESV) form. (Exhibit A; Testimony.)
8. At no point in time did [REDACTED] provide the Department with an ESV form. (Exhibit A; Testimony.)
9. In order for Home Help Providers to be reimbursed for services, they must be enrolled in CHAMPS; have submitted a signed and completed MSA-4676; and provide the Department with ESV forms verifying services provided. (Exhibit A; Testimony.)

CONCLUSIONS OF LAW

The Medical Assistance Program (MA) 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 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 health professional and may be provided by individuals or by private or public agencies.

Michigan Department of Health and Human Services (MDHHS) is the single state agency for Medicaid. The Medicaid State Plan is the state's contract with the federal

government to provide Medicaid services. Home Help services is the Medicaid State Plan for personal care services in the home.²

The Michigan Department of Health and Human Services (MDHHS) administers the Home Help program and provides personal care services to individuals who need hands-on assistance with activities of daily living (ADLs) and assistance with instrumental activities of daily living (IADLs). The items in this section may apply for both individual caregivers and agency providers for MDHHS. For additional policies and procedures regarding Home Help agency providers, see ASM 136, Agency Providers.³

The Department requires that all providers of HHS be enrolled in the Community Health Automated Medicaid Processing System (CHAMPS) and undergo a criminal history screen. This screening must be completed and passed before a provider can be paid to provide HHS.⁴ Additionally, individual caregivers must submit electronic services verifications monthly to confirm HHS were provided.⁵ Lastly, all clients and providers must sign the MSA-4676, Home Help Services Agreement, before authorizing payment.⁶

In this case, the Petitioner is seeking to have her providers [REDACTED], and [REDACTED] reimbursed for HHS provided to her during the time period of August 8, 2024, through November 6, 2024.⁷ The Petitioner acknowledged and agreed that both of these providers failed to turn in the required documentation and or enroll in CHAMPS during this time period. Instead, the Petitioner argued the MSA-4676 forms were not timely provided but the timelines provided by Petitioner were less than clear.

Petitioner has the burden of proof to show the Department failed to follow the applicable laws and policies in not paying [REDACTED] and [REDACTED] during the time periods in question. Having reviewed the facts presented and the policy provided, Petitioner has failed to meet that burden. Consequently, the Department's decision should be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department acted appropriately in not making HHS payments to [REDACTED] and [REDACTED]

² Adult Services Manual (ASM) 100, Home Help Services Program Overview, May 1, 2023, p 1.

³ ASM 135, Home Help Caregivers, July 1, 2024, p 1.

⁴ *Id* at 3.

⁵ *Id* at 5.

⁶ *Id* at 6.

⁷ Limited to the 90 days immediately preceding the request for hearing being filed. BAM 600.

IT IS, THEREFORE, ORDERED that:

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

CA/pe



Corey Arendt
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 30763
Lansing, Michigan 48909-8139

Via Electronic Mail:

Agency Representative

John Lambert
MDHHS Appeals Section
P.O Box 30807
Lansing, MI 48909
LambertJ4@michigan.gov

DHHS

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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]