

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: March 18, 2020
MOAHR Docket No.: 20-000591
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

DECISION AND ORDER

Upon the Petitioner's February 4, 2020, request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 17, 2020, from Lansing, Michigan.

Petitioner, [REDACTED], appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Allison Pool, Appeals Review Officer, appear as its representative. The Department had two witnesses: Beverly Moore, Home Help Worker, and Leigha Burghdoff, Departmental Analyst. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 71-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly suspend Petitioner's Home Help Services (HHS) payments effective February 12, 2020?

FINDINGS OF FACT

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

1. Petitioner is a HHS recipient.

2. On December 4, 2019, the Department met with Petitioner to complete a six-month review. During the review, Petitioner advised that she had two providers, [REDACTED] and [REDACTED].
3. On December 19, 2019, Petitioner complained to the Department that she had not received HHS payments for services provided by her providers. The Department contacted Petitioner's providers' agency to discuss invoice problems.
4. On December 30, 2019, the Department contacted Petitioner's providers' agency to discuss Petitioner's providers' Community Health Automated Medicaid Processing (CHAMPS) identification because the Department could not locate them.
5. On January 2, 2020, the Department attempted to contact Petitioner's providers because it was unable to locate them in CHAMPS. Both providers reported identification numbers for CHAMPS. The Department reviewed the numbers provided by the providers. The Department discovered that [REDACTED] provider status was closed due to a mandatory exclusion in 2015.
6. On January 8, 2020, the Department contacted Petitioner's providers' agency and updated it with its findings. The Agency advised that it resubmitted information for [REDACTED] to register her in CHAMPS.
7. On January 9, 2020, the Department reviewed [REDACTED] information and discovered that she has a permissive exclusion, which prohibits her from working for an agency.
8. On January 13, 2020, the Department notified Petitioner's providers' agency that [REDACTED] cannot be registered with any agency.
9. On January 17, 2020, the Department provided Petitioner with a form for home help personal choice and acknowledgement of provider selection. The Department instructed Petitioner that she could sign the form to have [REDACTED] serve as her provider. The Department advised that the effective date would be the signature date.
10. On January 21, 2020, the Department received a signed form for home help personal choice and acknowledgement of provider selection. The Department updated the enrollment information for [REDACTED] with a start date of January 17, 2020. However, the Department advised [REDACTED] that she could not be associated with a provider.
11. On January 29, 2020, the Department mailed a negative action notice to Petitioner to notify her that her HHS payments were going to be suspended effective February 12, 2020, because she did not have an approved provider enrolled in CHAMPS.

12. On February 4, 2020, Petitioner requested a hearing to dispute the suspension.

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.

In this case, Petitioner is disputing the Department's decision to refuse to pay her providers for work they performed since October 2019. The Department has not paid Petitioner's providers because they have not been properly registered in CHAMPS as required by the Department. Petitioner did not present sufficient evidence to establish that the Department did not act in accordance with its policies and the applicable law.

A HHS client has the right to choose her provider. ASM 135 (October 1, 2019), p. 1. In order for a client's provider to receive payments, the provider must be enrolled in CHAMPS and undergo a criminal history screen. *Id.* at 4. Providers must be approved in CHAMPS prior to receiving any payments. *Id.* at 6. Petitioner's providers were not properly approved in CHAMPS before providing services for Petitioner. Thus, the Department properly refused to pay Petitioner's providers for work they performed since October 2019. Further, the Department properly suspended Petitioner's HHS payments since Petitioner does not have a provider approved in CHAMPS, and payments cannot be issued until a provider is approved in CHAMPS.

If Petitioner's providers disagree with a decision regarding their request to enroll in CHAMPS, they may dispute that decision with the Department. Petitioner does not have standing to dispute such a decision for her providers.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly suspend Petitioner's Home Help Services (HHS) payments effective February 12, 2020.

IT IS ORDERED THAT the Department's decision is **AFFIRMED**.

JK/dh



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

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

DHHS -Dept Contact

Michelle Martin
Capitol Commons
6th Floor
Lansing, MI 48909

DHHS-Location Contact

Sherry Reid
Oakman Adult Services 
3040 W. Grand Blvd., Suite L450
Detroit, MI 48202

DHHS Department Rep.

M. Carrier
Appeals Section
PO Box 30807
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Agency Representative

Allison Pool
222 N Washington Square
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Petitioner



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