



Date Mailed: February 4, 2021
MOAHR Docket No.: 20-007776
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 2, 2021. Petitioner appeared on her own behalf. Petitioner's daughters [REDACTED] and [REDACTED] also appeared and testified. Leigha Burghdoff, Appeals Review Officer, represented the Department of Health and Human Services (Department). Adult Services Worker, Redonda Williams, appeared and testified for the Department. Department Exhibit A, pp. 1-14 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's request for Home Help Services (HHS)?

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 Medicaid beneficiary and requested HHS. (Exhibit A, p. 8).
2. On October 26, 2020, the Department sent Petitioner written notice that her request for HHS was denied because she did not have an active provider. (Exhibit A, p. 16).
3. On December 17, 2020, the Michigan Office Administrative Hearings and Rules (MOAHR) received the request for hearing filed in this matter with respect to that denial. (Exhibit A, p. 5).

4. At a telephone review conducted in December 2020, Petitioner provided proof that she had a provider and HHS was activated backdated to June 17, 2020.

CONCLUSIONS OF LAW

The Medical Assistance Program 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 statutes, the Social Welfare Act, 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 physician and may be provided by individuals or by private or public agencies.

HHS are governed by the applicable Adult Services Manuals (ASMs) and, with respect to the eligibility criteria for such services, ASM 135 (6-1-2020) provides in part:

CAREGIVER ENROLLMENT

All caregivers of Home Help must enroll in the Community Health Automated Medicaid Processing System (CHAMPS) and be approved prior to authorizing payment. ASM 135, p.6

Payment Authorizations

No payment can be authorized unless the individual caregiver has been enrolled and screened for criminal history in the Community Health Automated Medicaid Processing System (CHAMPS). Agency caregivers must also be enrolled in CHAMPS. In addition to enrolling in CHAMPS, a Home Help agency provider must be registered as a vendor with the State of Michigan by registering and updating their information online using the Statewide Integrated Governmental Management Applications (SIGMA) system at www.michigan.gov/SIGMAVSS. If an agency provider is not registered with the State of Michigan, payments will not be processed. ASM 140, p.1

Here, the Department denied Petitioner's application for HHS on the basis that she did not have an active provider. At a telephone conference in December 2020, Petitioner provided proof that she had an active provider and HHS was approved backdated to June 17, 2020. That action was appropriate and consistent with Department policy. ASM 135

Petitioner stated at hearing that she was satisfied with the Department action and satisfied with her provider, [REDACTED], who is her daughter.

Petitioner's other daughter, Anna Holland-Solomon, raised issues at hearing with regard to the qualifications of Beverly Hall and her ability to provide services and raised issues with regard to Petitioner's competency. Ms. Holland-Solomon provided no evidence to support her contentions and those issues are not issues that could be addressed in this matter. The only issue that could be addressed in this matter is Petitioner's eligibility for HHS. The Department correctly determined that Petitioner is eligible for HHS. ASM 135

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Petitioner's request for HHS initially and later approved Petitioner for HHS when she confirmed she had an active provider.

IT IS, THEREFORE, ORDERED that:

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

AM/dh


Aaron McClintic
Administrative Law Judge
for Elizabeth Hertel, 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
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DHHS-Location Contact

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Petitioner

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