

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: April 14, 2021
MOAHR Docket No.: 21-001060
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

DECISION AND ORDER

Upon the Petitioner's March 3, 2021, hearing request, 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 April 13, 2021.

Petitioner, [REDACTED], appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Emily Piggott, Appeals Review Officer, appear as its representative. The Department had one witness, Kelli Sandercott, Adult Services Worker. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 33-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's request for retroactive Home Help Services (HHS) payments to her new provider for services provided prior to November 25, 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. In November 2020, Petitioner obtained a new HHS provider.
3. On November 4, 2020, the Department instructed Petitioner's provider to register in CHAMPS and obtain a provider ID.

4. Petitioner notified the Department that her provider was having problems registering in CHAMPS.
5. On November 23, 2020, the Department again instructed Petitioner's provider to register in CHAMPS and obtain a provider ID.
6. On November 25, 2020, Petitioner's provider registered in CHAMPS and obtained a provider ID.
7. The Department completed a screening interview with Petitioner's provider, and then the Department approved Petitioner's provider with an effective date of November 25, 2020.
8. Petitioner requested that the Department pay her provider beginning November 1, 2020, and the Department denied Petitioner's request because her provider did not complete her registration until November 25, 2020.
9. On March 3, 2021, Petitioner requested a hearing.

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 deny her request for retroactive payments for her HHS provider. All HHS providers must enroll in the Community Health Automated Medicaid Processing System (CHAMPS) and be approved before the Department can authorize payments to the provider. ASM 135 (June 1, 2020), p. 4. Petitioner's provider was not enrolled and approved until November 25, 2020, so Petitioner's provider was not authorized to provide HHS services and receive payment for those services until November 25, 2020. Thus, the Department properly denied Petitioner's request to pay her provider for services provided prior to November 25, 2020.

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 retroactive HHS payments to her new provider for May and June of 2019.

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

JK/dh



Jeffrey Kemm
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
6th Floor
Lansing, MI 48909

DHHS

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Petitioner

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