

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

MI

Date Mailed: August 4, 2021
MOAHR Docket No.: 21-003140
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On July 6, 2021, Petitioner, Rhonda Hudson, requested 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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 3, 2021.

Petitioner 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, Lucia Jurge, Home Help Services Worker. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 23-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 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 requested HHS from the Department.
2. On May 27, 2021, the Department mailed an introduction letter and medical needs form to Petitioner. In these documents, the Department instructed Petitioner to have the medical needs form completed and returned within 21

days, and the Department advised the Petitioner that her request would be denied if she did not return it as instructed.

3. Petitioner received the Department's mail, but she did not open it until after the due date had lapsed.
4. On June 22, 2021, the Department mailed a negative action notice to Petitioner to notify her that her request for HHS was denied because she did not return the medical needs form as instructed. The Department advised Petitioner that she could reapply for HHS.
5. On June 29, 2021, Petitioner's healthcare provider completed her medical needs form.
6. On July 6, 2021, Petitioner requested a hearing to dispute the Department's decision to deny her request for HHS.

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.

When an individual requests HHS, the Department must send an introduction letter, application, and medical needs form to the individual. ASM 110 (June 1, 2020), p. 2. The introduction letter allows the client 21-calendar days to return the documentation to the local office. *Id.* The individual requesting HHS is responsible for obtaining the completed medical needs form, but it must be completed by a medical professional. ASM 115 (June 1, 2020), p. 2. Services cannot be authorized before a signed medical needs form is provided. *Id.* at 3.

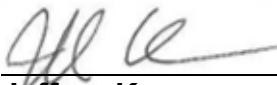
In this case, the Department did not receive the initial documents to apply for HHS from Petitioner, so the Department was unable to process Petitioner's request for HHS. The Department acted in accordance with its policies when it denied Petitioner's request for HHS. Petitioner may reapply for HHS if she would still like to request HHS.

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.

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

JK/dh



Jeffrey Kemm
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

DHHS -Dept Contact

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DHHS

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Petitioner

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