

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], FL [REDACTED]

Date Mailed: February 15, 2022  
MOAHR Docket No.: 21-004970  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Marya Nelson-Davis**

**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 telephone hearing was held on Thursday, January 27, 2022. Petitioner appeared and testified. Florence Scott-Emuakpor represented the Michigan Department of Health and Human Services (Department). Shannon Malewitz, Adult Services Worker, testified as a witness for the Department.

**ISSUE**

Did the Department properly determine Petitioner's eligibility begin date for Home Help Services (HHS) in July 2021?

**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 was a Home Help Services (HHS) recipient.
2. Petitioner's HHS provider was approved in the Department's Community Health Automated Medicaid Processing System (CHAMPS) for provider enrollment effective July 30, 2021.
3. On August 5, 2021, the Department sent Petitioner a Negative Action Notice, informing her that her HHS would be terminated because she moved out of the state of Michigan on August 1, 2021.
4. On October 1, 2021, the Michigan Office of Administrative Hearings and

Rules (MOAHR) received Petitioner's hearing request, contesting the Department's decision that in July 2021, Petitioner was only eligible for HHS on July 30<sup>th</sup> and 31<sup>st</sup>.

5. On December 8, 2021, MOAHR sent Petitioner an Order of Dismissal of her hearing request due to her failure to appear for the initial scheduled hearing in this matter on December 8, 2021, at 11:00 a.m.
6. On December 20, 2021, MOAHR received Petitioner's written request to vacate the Order of Dismissal based on good cause.
7. On January 7, 2022, MOAHR determined that good cause was established, and the hearing was rescheduled for January 27, 2022.

### **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.

Regarding the enrollment of providers and the authorization of payments for HHS, Adult Services Manual (ASM) 135, page 4, states in part that: "The caregiver must be enrolled in the Community Health Automated Medicaid Processing System (CHAMPS) and undergo a criminal history screen. The screening must be completed and passed before a provider can be paid to provide Home Help services." Additionally, ASM 135, page 6, states in part that: "All caregivers of Home Help must enroll in the Community Health Automated Medicaid Processing System (CHAMPS) and be approved prior to authorizing payment."

In this case, Petitioner was an HHS recipient who was approved for HHS in July, but only for two days, July 30<sup>th</sup> and 31<sup>st</sup>. Petitioner testified that in July 2021, her HHS provider flew in from out of state to care for her after her surgeries. Petitioner testified that her HHS provider cared for her July 27, 2021, through July 29, 2021. Therefore, Petitioner feels she should be eligible for HHS payment beginning July 27, 2021.

According to the Department witness, Ms. Malewitz, Petitioner's HHS provider, completed the enrollment application online on July 23 and 24, 2021, and Petitioner called her and left a message requesting HHS provider enrollment on July 26, 2021. Ms. Malewitz testified that she returned Petitioner's call on July 30, 2021, but she was

unable to reach Petitioner, so she left a message. Ms. Malewitz testified that she and Petitioner finally spoke on August 5, 2021, and Petitioner's provider was enrolled by the HHS provider enrollment team effective July 30, 2021.

Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred in denying her request for HHS payments for the period of July 27, 2021, through July 29, 2021. Based on the evidence on the record, Petitioner has failed to meet her burden of proof. Although Petitioner's HHS provider may have been providing care to Petitioner for the period of July 27, 2021, through July 29, 2021, that alone does not entitle Petitioner or her provider to HHS payments beginning July 27, 2021. Per the above policy, HHS payments cannot be authorized prior to the date when a provider is enrolled in CHAMPS and approved to provide services to the HHS client. Petitioner's provider was not enrolled in CHAMPS and approved as a provider until July 30, 2021. Therefore, the Department's HHS decision must be upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly determined Petitioner's eligibility begin date for HHS in July 2021.

**THEREFORE, IT IS ORDERED** that the Department's decision is **AFFIRMED**.

MN-D/SB

*Mary A Nelson-Davis*  
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**Marya Nelson-Davis**  
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**

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**Petitioner**

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