

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

[REDACTED], MI [REDACTED]

Date Mailed: December 20, 2021
MOAHR Docket No.: 21-005351
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Robert J. Meade

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Petitioner's request for a hearing.

After due notice, a hearing was held on December 16, 2021. Petitioner appeared on his own behalf. Theresa Root, Appeals Review Officer, appeared on behalf of Respondent, Michigan Department of Health and Human Services (Respondent, MDHHS or Department). Edward Kincaid, Departmental Specialist, appeared as a witness for the Department.

ISSUE

Did the Department properly reject claims for medical services rendered to Petitioner?

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 received medical services at Promedica Toledo Hospital on November 5, 2018 thorough November 9, 2018. (Exhibit A, p 2; Testimony)
2. On August 2, 2021, Petitioner filed a Beneficiary Complaint requesting that the bill for the above service dates be covered by Medicaid. (Exhibit A, pp 2, 5-6; Testimony)
3. At the time Petitioner received the above medical services, he was not approved for Medicaid coverage. Petitioner applied for Medicaid in March 2019 and was found retroactively eligible for Medicaid effective December 1, 2018. (Exhibit A, pp 2, 11; Testimony)
4. On September 17, 2021, the Department notified Petitioner that Medicaid

could not pay for the medical bills he incurred on the relevant dates because he was not eligible for Medicaid on those dates. (Exhibit A, p 12; Testimony)

5. On November 8, 2021, Petitioner's request for hearing was received by the Michigan Office of Administrative Hearings and Rules. (Exhibit A, pp 4-10)

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 statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Medicaid Policy in Michigan is contained in the Medicaid Provider Manual, which states in relevant part:

SECTION 1 – DETERMINATION OF ELIGIBILITY

This chapter applies to all providers.

1.1 LOCAL MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE DETERMINATION

Eligibility for Medicaid and most other health programs is determined at the local Michigan Department of Health and Human Services (MDHHS) office. MDHHS reviews the beneficiary's financial and nonfinancial (e.g., disability, age) factors and determines the types of assistance for which the beneficiary is eligible. Once eligibility is established, data from MDHHS is available via the CHAMPS Eligibility Inquiry. CHAMPS will also issue a **mihealth** card for new beneficiaries.

*Medicaid Provider Manual,
Beneficiary Eligibility Chapter,
July 1, 2021, p 1*

The Department's witness testified that Medicaid could not cover the bills in question because Petitioner was not eligible for Medicaid on the dates of service. The Department's witness indicated that Medicaid eligibility is determined by the local MDHHS office, and the office here determined that Petitioner was eligible for Medicaid to a retroactive eligibility date of December 1, 2018. Unfortunately, the Department's witness indicated that since the dates of service fell outside of Petitioner's eligibility for Medicaid, the Department could not cover the bills in question. The Department's

witness also indicated that, per policy, Medicaid can only be made retroactive for three months prior to the month of application. Here, the Department witness explained, Petitioner applied for Medicaid in March 2019, so Medicaid could only be made retroactive to December 2018.

Petitioner referred to the written statement he filed with his request for hearing. In that statement, Petitioner indicated that he contacted his caseworker at the local MDHHS office to ask for retroactive Medicaid coverage to cover the bill in question over a year ago. Petitioner indicated that the caseworker informed him that he was approved for retroactive Medicaid coverage and that the bill would be covered. Petitioner indicated, however, that a few months ago he was served with a lawsuit from the hospital trying to collect the bill. Petitioner indicated that he frantically tried calling his caseworker, and the caseworker's manager but he had difficulty getting in touch with them. Petitioner indicated that when he did get in touch with them, they were not helpful.

Based on the evidence presented, Petitioner has failed to prove by a preponderance of the evidence, that the Department erred in rejecting these medical claims. The Medicaid Provider Manual policy is clear that the MDHHS local office makes eligibility determinations for Medicaid. Here, that determination, while retroactive, only went back to December 1, 2018 and the bills in question were incurred in November 2018. In addition, policy indicates that Medicaid can only be made retroactive for three months prior to the month of application. Here, since Petitioner applied for Medicaid in March 2019, Medicaid could only be made retroactive to December 2018. Accordingly, this ALJ must uphold the Department's rejection of the claims based on the available information.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly rejected the claims for medical services rendered to Petitioner.

IT IS THEREFORE ORDERED THAT:

The Department's decision is AFFIRMED.



Robert J. Meade
Administrative Law Judge

RM/sb

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

Carol Gates
Customer Service Division
P.O. Box 30479
Lansing, MI
48909
MSA-CSD@michigan.gov

DHHS Department Rep.

M. Carrier
Appeals Section
PO Box 30807
Lansing, MI
48909
MDHHS-Appeals@michigan.gov

Petitioner

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

Agency Representative

Theresa Root
Appeals Section
PO Box 30807
Lansing, MI
48909
MDHHS-Appeals@michigan.gov