



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: May 23, 2023
MOAHR Docket No.: 23-002090
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

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 May 17, 2023. [REDACTED] Petitioner's son, appeared and offered testimony on Petitioner's behalf. Allison Pool, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Jessica Maddox, Adult Services Worker, appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing summary

ISSUE

Did the Department properly determine the start date of the Petitioner's 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. On July 11, 2022, the Department received from Petitioner, a Home Help Services application. (Exhibit A; Testimony.)
2. On August 18, 2022, an assessment took place to assess Petitioner for HHS. During the assessment, the Petitioner's family was informed about the CHAMPS system and the need for a Provider to be selected and

- enrolled in CHAMPS. (Exhibit A; Testimony.)
3. On August 19, 2022, the Department sent Petitioner a HHS approval notice, approving Petitioner for services. (Exhibit A; Testimony.)
 4. On September 9, 2022, the Department spoke with Petitioner's family regarding a Provider not being selected and enrolled in CHAMPS and the process of registering. (Exhibit A; Testimony.)
 5. At no point in time prior to February 2023, did Petitioner have a Provider enroll in CHAMPS. (Exhibit A; Testimony.)
 6. On or around February 7, 2023, Petitioner made a new request for HHS and an assessment took place. (Exhibit A; Testimony.)
 7. On March 13, 2023, the Department spoke with Petitioner's family regarding the selection of a Provider and the CHAMPS enrollment process. (Exhibit A; Testimony.)
 8. On March 15, 2023, a Provider for Petitioner registered with the CHAMPS system and was approved. (Exhibit A; Testimony.)
 9. On March 23, 2023, the Department sent Petitioner a Services Approval Notice indicating Petitioner had been approved for HHS and that a provider was approved effective March 15, 2023. (Exhibit A; Testimony.)
 10. On April 13, 2023, the Michigan Office of Administrative Hearings and Rules, received from Petitioner, a request for hearing challenging the start date of services.

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.

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.

Adult Services Manual (ASM) 135, addresses Home Help Caregivers:

Caregiver Interview

...

- 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.**

...

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. During the enrollment process, individuals will be screened for criminal history. Once a caregiver is approved, CHAMPS will assign the caregiver a seven-digit provider identification number. ASW must allow 24 hours from the completion of enrollment in CHAMPS for the data to interface with MiAIMS.

In this case, the Department presented evidence and policy indicating the start date of services and payment should be the date the provider was enrolled in CHAMPS. The Department further indicated that this did not occur until March 15, 2023.

The Petitioner did not dispute the facts and acknowledged someone from the family failed to follow through on the initial request for services and CHAMPS registration. The Petitioner went on to ask for some mercy from the court to permit a retroactive start date in the absence of a provider being enrolled in CHAMPS.

My role is to determine whether the Department's actions were in conformity with the applicable laws and policies. I cannot make any changes to the policy or make special exceptions to the policy. Consequently, the evidence reflects the Department acted appropriately in selecting March 15, 2023, as the start date of services as this was the earliest date that a provider was registered with CHAMPS.

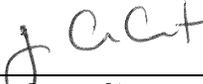
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly determined the effective start date of Petitioner's HHS case.

IT IS THEREFORE ORDERED THAT:

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

CA/pe



Corey Arendt
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

Via Electronic Mail:

DHHS Department Contact

Michelle Martin
MDHHS
Lansing, MI 48933
**MDHHS-Home-Help-
Policy@michigan.gov**

Agency Representative

Allison Pool, Department of
Community Health
MDHHS Appeals Section
Lansing, MI 48909
PoolA@michigan.gov

DHHS

Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

DHHS Department Representative

M. Carrier
Department Community Health
MDHHS
Lansing, MI 48909
MDHHS-Appeals@michigan.gov

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Representative

[REDACTED]
[REDACTED] MI [REDACTED]