



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 27, 2023
MOAHR Docket No.: 23-003142
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 July 26, 2023. [REDACTED] Petitioner's son, appeared and offered testimony on Petitioner's behalf. Leigha Burghdoff, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Teresa Collins, 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 April 24, 2023, the Department received from Petitioner, a Home Help Services application. (Exhibit A, pp 18, 22; Testimony.)
2. On April 26, 2023, the Department received a completed 54-A Medical Needs Form. (Exhibit A, p 21; Testimony.)

3. On April 26, 2023, an assessment took place to assess Petitioner for HHS. (Exhibit A, p 24; Testimony.)
4. On May 16, 2023, the Department sent Petitioner an HHS approval notice, approving Petitioner for services with a start date of April 26, 2023. (Exhibit A, p 23; Testimony.)
5. On June 5, 2023, the Michigan Office of Administrative Hearings and Rules, received from Petitioner, a request for hearing challenging the start date of services. (Exhibit A, pp 7-17; Testimony.)

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) 115, addresses Adult Services Requirements:

Important Dates

When a signed DHS-390, Adult Services Application, serves as the initial request for services, the referral date must be the date the application was received in the local office.

The date that a valid client or guardian signature is received in the local office is the application date.

The DHS-54A, Medical Needs form does not serve as the application for services. If the signature date on the DHS-54A is **before** the DHS-390 received date, payment for Home Help services must begin on the application date.

Do not authorize Home Help services prior to the date of the medical professional's signature on the DHS-54A.

The case opening date for a Home Help care is the latter of the DHS-390 received date and the DHS-54A medical provider signature date.¹

In this case, the Department presented evidence and policy indicating the start date of services and payment should be the date the 54A Medical Needs Form was signed. In this case, the date on the form was April 26, 2023.

The Petitioner did not dispute the facts relied upon by the Department, but rather, indicated this was the second of two applications; and that there should be an earlier start date. The Petitioner, however, did not present any evidence to corroborate the arguments made.²

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 April 26, 2023, as the start date of services.

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

¹ ASM 115, Adult Services Requirements, May 1, 2023, p 3.

² Petitioner indicated he had copies of earlier applications. Petitioner, however, did not present these records at the time of the hearing; and further, did not deny receiving the notice of hearing issued in this case. The notice of hearing and the attached sheet on page 4 indicated Petitioner should "[s]end MOAHR and Respondent any documents [they] want to present to the ALJ at the hearing." Since Petitioner did not present these records, the argument provided was given very little consideration.

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
400 S. Pine St., 6th Floor
Lansing, MI 48933
MDHHS-Home-Help-Policy@michigan.gov

DHHS Location Contact

Sherry Reid
MDHHS-Greenview Adult Services District
Wayne County, BSC-4
19340 Greenview Ave., Ste. 200
Detroit, MI 48219
MDHHS-WC-MAHSHearing@michigan.gov

DHHS Department Representative

Mary Carrier
Department Community Health
MDHHS Appeals Section
P.O. Box 30807
Lansing, MI 48909
MDHHS-Appeals@michigan.gov

Via First Class Mail:

Petitioner

[REDACTED]

[REDACTED] MI [REDACTED]