



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: January 25, 2024
MOAHR Docket No.: 23-009113
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 January 17, 2024. [REDACTED] Petitioner, appeared and offered testimony on his own behalf. Allison Pool, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Chelsea Towns, Adult Services Worker (ASW), appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing summary

ISSUE

Did the Department properly suspend Petitioner's Home Help Services (HHS) case?

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 or around August 30, 2019, Petitioner began receiving HHS benefits. (Exhibit A.)

2. On September 26, 2023, the Department sent Petitioner a Home Visit letter informing Petitioner of an assessment scheduled for October 6, 2023, between 12:30 p.m. and 2:00 p.m. (Exhibit A; Testimony.)
3. On October 5, 2023, the Petitioner and the ASW communicated regarding the scheduled home visit. Petitioner indicated he would need to reschedule, and the home visit was rescheduled to October 17, 2023, at 3:00 p.m. (Exhibit A; Testimony.)
4. On October 17, 2023, the ASW went to the home of Petitioner for the assessment. At the time the ASW's arrival, the Petitioner was not home. The ASW called the Petitioner and Petitioner indicated he would be home in approximately 3 minutes. After waiting 15 minutes and with the Petitioner not arriving, the ASW sent a message to Petitioner indicating she had to leave for her next appointment and Petitioner would need to reschedule. (Exhibit A; Testimony.)
5. The Petitioner did not respond to additional rescheduling inquiries. (Exhibit A; Testimony.)
6. On October 19, 2023, the Department sent Petitioner a Negative Action Notice. The notice indicated Petitioner's case was being suspended pending the completion of an assessment. (Exhibit A; Testimony.)
7. On December 14, 2023, the Michigan Office of Administrative Hearings and Rules, received from Petitioner, a request for hearing. (Exhibit A.)

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.

OVERVIEW

The MDHHS-5534, Adult Services Comprehensive Assessment, is the primary tool for determining a client's need for services. The comprehensive assessment must be completed on **all open Home**

Help services cases. The Michigan Adult Integrated Management System (MiAIMS) provides the format for the comprehensive assessment and all information must be entered in the computer program.¹

CLIENT AND PROVIDER CONTACTS

The ASW must, at a minimum, have a face-to-face interview with the client, prior to case opening, and then every six months in the client's home for the review.

The ASW must complete an initial face-to face interview with the Home Help caregiver in the client's home or local Michigan Department of Health and Human Services (MDHHS) office. The caregiver is the person providing direct care to the client. The ASW must make a face-to-face or phone contact with all caregivers at the next review to verify service are being furnished.²

In this case, the Department presented evidence indicating the required six-month review was not completed, and Petitioner is not responding to requests to reschedule.

Petitioner disagreed with the testimony of the ASW but failed to provide any additional evidence to corroborate his statements.

In light of the evidence presented, I found the ASW's testimony to be slightly more credible than that of the Petitioner and further found the testimony was corroborated by the case notes that were made at the time of or contemporaneous to the two-party interactions.

Consequently, I find sufficient evidence to support the Decision by the Department to suspend Petitioner's HHS benefits. A 6-month review is required, and the evidence indicates the review was not completed as required. Petitioner is encouraged to schedule an in-home assessment to reopen his HHS case.

DECISION AND ORDER

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

¹ Adult Services Manual (ASM) 120, May 1, 2023, p 1.

² ASM 115, Adult Services Requirements, May 1, 2023, p 5.

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:

Agency Representative

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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]