



Date Mailed: February 24, 2025

Docket No.: 25-002283

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

DECISION AND ORDER

This matter is before the Michigan Office of Administrative Hearings and Rules (MOAHR) and the undersigned Administrative Law Judge (ALJ) pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon a request for a hearing.

After due notice, a telephone hearing was held on February 19, 2025. Petitioner [REDACTED] (Petitioner) appeared and testified on her own behalf. Allison Pool, Appeals Review Officer, represented the Respondent Department of Health and Human Services (Department). Michelle White, Adult Services Worker (ASW), testified as a witness for the Department.

During the hearing, the Department submitted an evidence packet that was admitted into the record as Exhibit A, pages 1-45. No other proposed exhibits were submitted.

ISSUE

Did the Department err in determining the start date of Petitioner's approved 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 November 7, 2024, Petitioner was referred for HHS through the Department. (Exhibit A, page 12).

2. On December 19, 2024, the ASW completed an initial comprehensive assessment with Petitioner in Petitioner's home. (Exhibit A, page 12).
3. On December 21, 2024, the ASW sent Petitioner written notice that Petitioner had been approved for HHS. (Exhibit A, page 17).
4. However, payments were not initiated or approved at that time. (Testimony of ASW).
5. On January 8, 2025, the ASW sent Petitioner another written notice that Petitioner had been approved, with an effective start date of December 19, 2024. (Exhibit A, page 20).
6. After some delay, payments were subsequently initiated, with December 19, 2024 as the start date. (Exhibit A, pages 7-10; Testimony of Petitioner; Testimony of ASW).
7. On January 16, 2025, MOAHR received the request for hearing filed in this matter with respect to the start date of Petitioner's approved HHS. (Exhibit A, pages 7-10).

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 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.

With respect to the required eligibility criteria for HHS, Adult Services Manual (ASM) 105 (6-1-2020) states in part:

Home Help services are available if the client meets all eligibility requirements. The Adult Services Worker (ASW) may open a Home Help case with supportive services methodology to assist the client in applying for Medicaid (MA), if necessary.

Home Help services payments cannot be authorized prior to

establishing Medicaid eligibility and completing a face-to-face assessment with the client.

Once MA eligibility has been established, the case service methodology must be changed to case management.

Requirements

Home Help eligibility requirements include all the following:

- Medicaid eligibility.
- Appropriate program enrollment type (PET) code.
- Certification of medical need.
- Need for service, based on a complete comprehensive assessment indicating a functional limitation of level 3 or greater for at least one activity of daily living (ADL).

ASM 105, page 1

Here, as discussed above, the Department approved Petitioner for HHS as of December 19, 2024.

In appealing that decision, Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred. Moreover, the undersigned Administrative Law Judge is limited to reviewing the Department's decision in light of the information that was available at the time the decision was made.

Given the available information and applicable policies in this case, Petitioner has failed to meet her burden of proof with respect to either of her claims, and the Department's decision must therefore be affirmed.

The record reflects a number of disagreements between the parties, but the essential facts are undisputed: Petitioner's HHS were approved as of December 19, 2024, which was the date of the comprehensive assessment completed in this case.

Moreover, while neither the Department's representative nor its witness could point to the applicable policy during the hearing, the start date of December 19, 2024, is proper pursuant to ASM 105. Specifically, ASW 105 identifies a need for service, based on a complete comprehensive assessment, are part of the eligibility criteria for HHS and, as the required assessment was not completed until December 19, 2024, Petitioner could not be approved for services prior to that date.

Additionally, while Petitioner testified that her caregiver was working prior to December 19, 2024 and a previous ASW had indicated that HHS would be approved as of when the provider started working, that testimony is unsupported and, regardless, Petitioner's argument is unsupported by policy. Petitioner also failed to identify any policy that would

support her position,

Accordingly, given the applicable policy and undisputed essential facts, Petitioner has failed to meet her burden of proof, and the Department's decision must therefore be affirmed.

DECISION AND ORDER

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

IT IS, THEREFORE, ORDERED that:

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



Steven Kibit
Administrative Law Judge

SK/sj

NOTICE OF APPEAL: Petitioner 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.

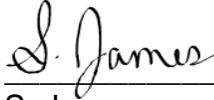
A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties, to their last known addresses in the manner specified below, this 24th day of February 2025.



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