



Date Mailed: March 17, 2025

Docket No.: 25-004229

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 filed by Petitioner [REDACTED] (Petitioner).

After due notice, a telephone hearing was held on March 11, 2025. Petitioner appeared and testified on her own behalf. Allison Pool, Appeals Review Officer, represented the Respondent Department of Health and Human Services (DHHS or Department). Jevita Anthony, 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 without objection as Exhibit A, pages 1-19. Petitioner did not submit any exhibits.

ISSUE

Did the Department properly deny Petitioner's request for 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 1, 2024, Petitioner was referred for HHS through the Department. (Exhibit A, page 10).

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2. On November 21, 2024, the ASW sent Petitioner written notice that a home visit had been scheduled for December 6, 2024. (Exhibit A, page 11).
 3. On December 6, 2024, Petitioner's son called to report that the Petitioner was in dialysis; he did not know when she would be home; and that he could not get in touch with her.
 4. The ASW and Petitioner's son then rescheduled the home visit for December 10, 2024. (Exhibit A, page 11; Testimony of ASW).
 5. On December 10, 2024, the ASW telephoned Petitioner prior to arriving at Petitioner's home, to advise her that the ASW was on the way, and after arriving, to advise her that the ASW was there. (Exhibit A, pages 12-13; Testimony of ASW).
 6. Petitioner did not answer the telephone calls; respond to messages; or answer the door. (Exhibit A, pages 12-13; Testimony of ASW).
 7. On December 11, 2024, the Department sent Petitioner written notice that her request for HHS had been denied. (Exhibit A, page 9).
 8. On January 29, 2025, MOAHR received the request for hearing filed by Petitioner in this matter with respect to that decision. (Exhibit A, pages 7-9).

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.

Regarding the referral process for HHS, Adult Services Manual (ASM) 110 (5-1-2023) states in part:

OVERVIEW

Individuals may send a referral for Home Help services by phone, mail, fax, or in person and referrals must be entered on the Michigan Adult Integrated Management System

(MiAIMS) upon receipt. The referral source does not have to be the individual in need of the services.

* * *

Standard of Promptness (SOP)

The ASW must determine eligibility within the 45-day standard of promptness, which begins the day after the referral is received and entered on MiAIMS. The referral date entered on MiAIMS must be the date the referral was received in the local office. The computer system calculates 45 days beginning the day after the referral date and counting 45-calendar days. If the due date falls on a weekend or holiday, the due date is the next business day.

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

Note: Verbal attestation of the DHS-390, Adult Services Application, is acceptable during the COVID-19 Public Health Emergency from 04-01-2020 through 05/11/2023.

Note: A DHS-54A, Medical Needs form does not serve as an application for services. If the local office receives a DHS-54A as the initial request for services, a referral must be entered on MiAIMS for the date the form was received in the local office and an application mailed or given to the individual requesting services.

After receiving the assigned referral, the ASW gathers information through an assessment, contacts, etc. and decides to approve or deny the referral; see ASM 115, Adult Services Requirements.

ASM 110, pages 1-2

Regarding the eligibility criteria for HHS, ASM 105 (6-1-2020) states in part:

OVERVIEW

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

Regarding Adult Services Requirements for HHS, ASM 115 (5-1-2023) states in part:

OVERVIEW

Home Help services are available if the client meets all eligibility requirements. The Adult Services Worker (ASW) must ensure all of the required steps in the case opening process are completed.

* * *

MDHHS-5534, ADULT SERVICES COMPREHENSIVE ASSESSMENT

The ASW must conduct a face-to-face interview with the client in their home to assess the personal care needs. During the assessment, complete the MDHHS-5534, Adult Services Comprehensive Assessment, generated from MiAIMS; see ASM 120, Adult Services Comprehensive Assessment.

ASM 115, pages 1, 4

Here, the Department denied Petitioner's request for HHS pursuant to the above policies and based on Petitioner's failure to appear for a comprehensive assessment.

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 it had at the time it made the decision.

Given the available information and applicable policies in this case, Petitioner has failed to meet that burden of proof, and the Department's decision must be affirmed.

ASMs 105 and 115 expressly require that a comprehensive assessment be completed with clients in their home prior to HHS being approved, and no such assessment was completed in this case.

The record further demonstrates that Petitioner was responsible for the comprehensive assessment not being completed within the required standard of promptness. The ASW credibly testified that she sent written notice of the scheduled home visit; that visit was rescheduled by Petitioner's son after he reported that Petitioner was not at home; and that Petitioner failed to appear for the second scheduled assessment or contact the ASW.

Moreover, while Petitioner testified that she never received written notice of the first scheduled visit and is unaware of what her son said or did, the undersigned ALJ does not find her to be persuasive given that written notice was sent to the correct address for the first scheduled visit and Petitioner did not contradict the ASW's testimony with respect to the rescheduled visit.

To the extent Petitioner is still interested in HHS, then she can always request such services again in the future with the correct information. With respect to the decision at issue in this case, however, the Department's decision must be affirmed given the available information and applicable policies.

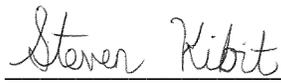
DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, decides that the Department properly denied Petitioner's request for HHS.

IT IS, THEREFORE, ORDERED that:

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

SK/sj



STEVEN KIBIT
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://rs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to LARA-MOAHR-DCH@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

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 17th day of March 2025.

S. James

S. James
**Michigan Office of Administrative
Hearings and Rules**

Via Electronic Mail:

Agency/Department Representative
MARY CARRIER
ALLISON POOL
MDHHS APPEALS SECTION
PO BOX 30807
LANSING, MI 48933
POOLA@MICHIGAN.GOV
MDHHS-APPEALS@MICHIGAN.GOV

Department Contact
MICHELLE MARTIN
MDHHS
400 S PINE ST 6TH FL
LANSING, MI 48933
MDHHS-HOME-HELP-POLICY@MICHIGAN.GOV

Agency/Department Representative
SHERRY REID
MDHHS GREENVIEW ADULT SERVICES
19340 GREENVIEW AVE STE 200
DETROIT, MI 48219
MDHHS-WC-MAHSHEARING@MICHIGAN.GOV

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
MI [REDACTED]