



Date Mailed: April 10, 2025

Docket No.: 25-005112

Case No.: [REDACTED]

Petitioner: [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 hearing filed by Petitioner [REDACTED] (Petitioner).

After due notice, a telephone hearing was held on March 19, 2025. Petitioner appeared and testified on her own behalf. Lana Karadsheh, Appeals Review Officer, represented the Respondent Department of Health and Human Services (DHHS or Department). Charles Steckel, Adult Services Worker (ASW), and Natasha Burns, Home Help Supervisor, testified as witnesses for the Department.

During the hearing, the Department submitted an evidence packet that was admitted into the record without objection as Exhibit A, pages 1-66. Petitioner did not submit any proposed exhibits.

ISSUE

Did the Department properly terminate 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. In February of 2024, Petitioner was approved for HHS through the Department. (Exhibit A, page 28).
2. On September 1, 2024, Petitioner's Medicaid scope of coverage changed from "2F" to "1Y". (Exhibit A, page 28).
3. For November of 2024, Petitioner's Medicaid scope of coverage changed back to "2F". (Exhibit A, page 28).
4. On December 1, 2024, Petitioner's Medicaid scope of coverage changed back to "1Y", and it has remained there since that time. (Exhibit A, page 28).
5. From September 1, 2024 to the present, Petitioner has had a Medicaid deductible. (Exhibit A, page 28; Testimony of ASW).
6. On December 18, 2024, the Department sent Petitioner written notice that her HHS would be terminated on January 1, 2025. (Exhibit A, pages 34-35).
7. With respect to the reason for the termination, the notice stated:

You have not met your \$1105.00 monthly Medicaid deductible since 8/2024 making you ineligible for Home Help payments. Please contact Client Connections at 844-464-3447 for further assistance with this matter. If this is not resolved by the above date your Home Help case will be closed. Should your situation change in the future you may submit a new Home Help referral by calling 313-456-6830.

Exhibit A, page 34

8. On February 11, 2025, MOAHR received the request for hearing filed in this matter with respect to that decision. (Exhibit A, pages 7-27).⁴

⁴ Petitioner's request for hearing was also docketed as a separate case, Docket No. 25-005119, to address her challenge her Medicaid deductible. On March 28, 2025, Administrative Law Judge Caralyce M. Lassner issued a Decision and Order in which she affirmed the Department's determination that Petitioner has a Medicaid deductible.

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 eligibility criteria for HHS, Adult Services Manual (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).

Medicaid Eligibility

The client may be eligible for Medicaid (MA) when either all requirements for Medicaid eligibility have been met, or the Medicaid deductible obligation has been met.

The client must have a scope of coverage of either:

- 1F or 2F.
- 1D or 1K (Freedom to Work).
- 1T (Healthy Kids Expansion).
- 3G (Healthy Michigan Plan).
- 7W (MI Child).
- 8L (Flint).

Clients with a scope of coverage 20, 2C, or 2B are **not** eligible for Medicaid until they have met their MA deductible obligation.

Note: A change in the scope of coverage in Bridges will generate a system tickler in the Michigan Adult Integrated Management System (MiAIMS) for active services cases.

ASM 105, page 4

Moreover, regarding case closures, ASM 170 (7-1-2022) also provides in part:

Suspension of Home Help Payments

The adult services worker may suspend payments, rather than terminate payments or initiate closing procedures, in the following circumstances:

- Client's Medicaid has ended, but it appears to be temporary.
- Client does not have an eligible provider. This allows the client time to locate a new individual caregiver or agency provider.
- Client has been admitted into a hospital, nursing facility, or licensed Adult Foster Care/Home for the Aged.

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- If the temporary situation has not been resolved in 90 days and there is no expectation that the client will return home in the next 90 days, the ASW may initiate case closure.
 - If the ASW is notified prior to the 90-day extension that the client will be in the facility permanently, the ASW may begin case closure sooner.

Note: Any suspended payment action should be temporary. Additional documentation is needed to keep the case open longer. (The DHS-390, Adult Services Application, and the DHS-54A, Medical Needs, form are valid for 90 days after case closure). Case closure procedures should be initiated once it has been determined the situation that resulted in the suspension will not be resolved.

Termination of Home Help Payments

Home Help payments may be terminated and closing procedures initiated, in any of the following circumstances:

- The client fails to meet any of the eligibility requirements.
 - Not Medicaid eligible.

ASM 170, pages 1-2

As described in the above policies, HHS are only available if a client meets all eligibility requirements, including having a listed scope of Medicaid coverage, and the Department may suspend or terminate home help payments when a client lacks the required Medicaid eligibility.

In this case, the Department terminated Petitioner's HHS on the basis that she no longer had Medicaid coverage that meets the eligibility requirements for HHS.

In appealing that decision, Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred. Moreover, the undersigned ALJ 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.

As provided above, an individual is only eligible to receive HHS if he or she has Medicaid coverage and one of the scopes of coverage listed in policy; and, as credibly testified to by the Department's witness, provided for in its exhibit and undisputed by Petitioner, Petitioner no longer has one of the required scopes of coverage.

Moreover, while the notice of termination misidentified the period when Petitioner has lacked the required scope of coverage, by stating that Petitioner has not met her Medicaid deductible since August of 2024 when Petitioner did meet it in November of 2024, it is undisputed that Petitioner did not have the required Medicaid eligibility at the time of the decision in this case; she had not had it for multiple months; and there was no indication that Petitioner would be able to meet her Medicaid deductible going forward.

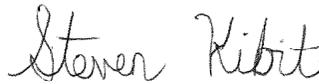
Accordingly, while the Department could have suspended Petitioner's case rather than terminate it, the record reflects that Petitioner's Medicaid ineligibility was not temporary and the Department's decision to terminate Petitioner's case was proper.

DECISION AND ORDER

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

IT IS, THEREFORE, ORDERED that:

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



NULL

Administrative Law Judge

SK/sj

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://lrs.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.

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