

Michigan Office of Administrative Hearings and Rules  
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JAMES SCHMIDT  
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**Date Mailed:** September 15, 2025  
**Docket No.:** 25-014365  
**Case No.:** 59872446  
**Petitioner:** JAMES SCHMIDT

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

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

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### **DECISION AND ORDER**

On April 22, 2025, Petitioner James Schmidt requested a hearing to dispute a Home Help Services (HHS) determination. As a result, a hearing was scheduled to be held on September 10, 2025. Medicaid services hearings are held pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Lana Karadsheh appear as its representative. Respondent had one witness, Adult Services Worker Kieran Goodman. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 70-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

### **ISSUE**

Did the Department properly determine Petitioner's Home Help Services (HHS) eligibility?

### **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 February 26, 2025, Petitioner requested HHS from the Department.
2. Petitioner provided the Department with a medical needs form completed by his medical provider. Petitioner's medical provider signed the form on February 12, 2025. Petitioner's medical provider certified that Petitioner had a need for assistance with personal care activities. Petitioner's medical provider did not certify that Petitioner had a need for assistance with complex care services.
3. On March 24, 2025, an adult services worker met with Petitioner in his home to complete a comprehensive assessment. Petitioner, Petitioner's HHS provider, and the adult services worker were present during the assessment. The adult services

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worker observed Petitioner and asked Petitioner about his need for assistance. The adult services worker also asked Petitioner's HHS provider about the assistance that she was providing for Petitioner. Petitioner and his HHS provider reported that Petitioner needs assistance with mobility, transferring, toileting, eating, grooming, laundry, medications, meal preparation, shopping for food and medications, and travel for shopping for food and medications. Petitioner reported that once per week he takes his medications to a nurse who sets them up for him. Petitioner reported that he uses the bus for travel, and his HHS provider accompanies him when he travels. Petitioner and his HHS provider also reported that Petitioner's HHS provider helps him with range of motion exercises. The adult services worker instructed Petitioner's HHS provider to register with CHAMPS, and the adult services worker explained how to do so.

4. The adult services worker determined that Petitioner had a need for hands-on assistance with activities of daily living, and the adult services worker determined that Petitioner had a need for complex care.
5. The adult services worker determined that Petitioner should be approved for 102 hours and 59 minutes of HHS per month.
6. The 102 hours and 59 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
  - a. Bathing: 16 minutes per day at 6 days per week for a total of 6 hours and 53 minutes per month.
  - b. Dressing: 14 minutes per day at 7 days per week for a total of 7 hours and 1 minute per month.
  - c. Eating: 44 minutes per day at 7 days per week for a total of 22 hours and 4 minutes per month.
  - d. Grooming: 8 minutes per day at 7 days per week for a total of 4 hours and 1 minute per month.
  - e. Mobility: 14 minutes per day at 7 days per week for a total of 7 hours and 1 minute per month.
  - f. Toileting: 22 minutes per day at 7 days per week for a total of 11 hours and 2 minutes per month.
  - g. Transferring: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.
  - h. Housework: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.

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- i. Laundry: 24 minutes per day at 2 days per week for a total of 3 hours and 26 minutes per month.
  - j. Meal preparation: 25 minutes per day at 7 days per week for a total of 12 hours and 32 minutes per month.
  - k. Shopping for food/meds: 10 minutes per day at 2 days per week for a total of 1 hour and 26 minutes per month.
  - l. Range of motion exercises: 1 hour per day at 5 days per week for a total of 21 hours and 30 minutes per month.
7. On March 25, 2025, the Department mailed a services approval notice to Petitioner to notify him that he was approved to receive HHS, effective February 26, 2025.
  8. Petitioner disagreed with the amount of time that the Department approved, and Petitioner disagreed with the effective date of the approval.
  9. Petitioner requested a hearing to dispute the Department's decision.

### **CONCLUSIONS OF LAW**

The Medical Assistance Program (MA) 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 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 health professional and may be provided by individuals or by private or public agencies.

In order to be eligible for HHS, an individual must have a need for services based on a comprehensive assessment indicating a need for hands-on assistance with at least one activity of daily living (ADL) or a need for complex care. ASM 120 (May 1, 2023), p. 3. Those activities known as ADL's are eating, toileting, bathing, grooming, dressing, transferring, and mobility. *Id.* at 2-3. Complex care includes care such as catheters, bowel programs, specialized skin care, suctioning, range of motion exercises, wound care, respiratory treatments, ventilators, and injections. *Id.* at 4-5.

The comprehensive assessment is the Department's primary tool for determining a client's need for services. *Id.* at 1. Although a medical professional may certify a client's need for services, it is the Department who determines whether there is a need for services through its comprehensive assessment. ASM 115 (May 1, 2023), p. 2.

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During the assessment, the Department documents a client's abilities and needs in order to determine the client's ability to perform activities. ASM 120 at 2.

In this case, the Department completed a comprehensive assessment after Petitioner applied for HHS. After the Department completed its comprehensive assessment, the Department determined that Petitioner should be approved for 102 hours and 59 minutes of HHS per month. Petitioner disagrees with the amount of time that the Department approved.

The Department allocates time for each task that a client needs at least some human assistance with. ASM 120 at 5. The Department determines how much time to allocate to each task based on the interviews with the client and caregiver, observation of the client, and the reasonable time schedule. *Id.* A client is not automatically guaranteed the suggested allotted time allowed by the reasonable time schedule. *Id.* at 5-6. The adult services worker must assess each task according to the average time and frequency required for its completion. *Id.* at 6. This takes into consideration that the amount of assistance a client requires each day may vary. *Id.* The Department cannot approve HHS for tasks that do not require at least some human assistance, the Department cannot approve HHS for services provided for the benefit of people other than the client, and the Department cannot approve HHS in some other situations. ASM 101 (April 1, 2018), pp. 4-5.

The Department met with Petitioner in his home to complete a comprehensive assessment. The Department interviewed Petitioner, the Department interviewed Petitioner's HHS provider, and the Department observed Petitioner in his home. Based on all the information the Department gathered, the Department determined that Petitioner needed hands-on assistance with at least one ADL, so the Department determined that Petitioner was eligible for HHS. Additionally, the Department allocated time for each task that Petitioner needed at least some human assistance with. The Department determined that Petitioner needed 102 hours and 59 minutes of HHS per month.

The Department completed Petitioner's comprehensive assessment in accordance with ASM 120, and the Department allocated time for each task that Petitioner needed at least some human assistance with in accordance with ASM 120. Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to approve Petitioner for 102 hours and 59 minutes of HHS per month is affirmed. If Petitioner's needs have changed, then Petitioner may notify the Department and request an updated comprehensive assessment.

Petitioner also disagrees with the effective date of the Department's HHS approval. The Department approved Petitioner's HHS effective February 26, 2025, which was the date Petitioner applied for HHS. The case opening date for a HHS case is the latter of the date a client applied for HHS or the date the client's medical provider signed the client's medical needs form. ASM 115 (May 1, 2023), p. 3. Petitioner's medical provider signed

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Petitioner's medical needs form on February 12, 2025, and Petitioner applied for HHS on February 26, 2025, so Petitioner's application date was the latter of the two. Thus, the Department acted in accordance with ASM 115 when it approved Petitioner's HHS effective February 26, 2025.

**DECISION AND ORDER**

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

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



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**JEFFREY KEMM**  
**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](https://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://irs.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 [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@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  
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