



Date Mailed: August 27, 2025

Docket No.: 25-022120

Case No.: [REDACTED]

Petitioner: [REDACTED]

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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.

[REDACTED] MI [REDACTED]

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DECISION AND ORDER

On June 16, 2025, Petitioner [REDACTED] requested a hearing to dispute a Home Help Services (HHS) determination. As a result, a hearing was scheduled to be held on July 31, 2025, and August 21, 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 at the hearing on July 31, 2025. The hearing was adjourned, and Petitioner appeared with [REDACTED] at the hearing on August 21, 2025. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Florence Scott-Emuakpor appear as its representative. Respondent had two witnesses: Adult Services Specialist Coy Richardson and Adult Services Supervisor Norshell Mack. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 40-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

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. Petitioner requested HHS from the Department.
2. Petitioner submitted a medical needs form (54A) completed by his medical provider, Dr. Ashraf Mohamed. The medical needs form instructed the medical provider to complete Section I to certify whether Petitioner had a need for assistance with personal care activities, and Petitioner's medical provider did not complete Section I.

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3. On May 21, 2025, an adult services worker visited Petitioner in his home to complete an assessment. Petitioner was present with his home help services provider. The adult services worker observed that Petitioner's home was undergoing remodeling at the time, Petitioner did not have a functioning kitchen or bathroom, and Petitioner did not have running water. The adult services worker asked Petitioner about his need for assistance. Petitioner reported that he needs assistance with bathing, grooming, housework, laundry, medications, meal preparation, and shopping. Petitioner reported that he was currently bathing and eating at a mosque.
 4. The adult services worker determined that Petitioner did not need hands-on assistance with any activities of daily living in his home because Petitioner was completing the activities of daily living that he needed assistance with at a mosque.
 5. On June 3, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that his request for HHS was denied because the services that Petitioner stated he needed assistance with were all being done outside of his home at a mosque.
 6. Petitioner requested a hearing to dispute the Department's decision.
 7. Petitioner provided a new medical needs form to the Department with Section I completed by his medical provider, and the Department reopened Petitioner's HHS case. The Department scheduled a home visit for September 3, 2025, to reassess Petitioner's need for assistance.

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. 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, and the Department determined that Petitioner did not have a need for hands-on assistance with at least one ADL or a need for complex care. Specifically, the Department determined that Petitioner did not need hands-on assistance with at least one ADL in his home because Petitioner was completing the ADL's that he needed assistance with at a mosque. Accordingly, the Department denied Petitioner's request for HHS. Petitioner is disputing the Department's decision to deny his request for HHS.

The Department erroneously concluded that it could not approve Petitioner's request for HHS since Petitioner did not need hands-on assistance with at least one ADL in his home. When a comprehensive assessment determines a client needs hands-on assistance with at least one ADL, the client is eligible for assistance with the activities that the client needs hands-on assistance with in the client's home, even if the client does not need assistance with at least one ADL in his home because he gets assistance outside of his home. *Id.* at 3-4. For example, if Petitioner needs hands-on assistance with bathing, and Petitioner gets assistance with bathing at a mosque, Petitioner would not be eligible to receive HHS for bathing because he does not need hands-on assistance in his home, but Petitioner could still be eligible to receive HHS for activities such as housework that he needs assistance with in his home.

The Department did not complete Petitioner's comprehensive assessment in accordance with ASM 120 because the Department did not properly assess all of Petitioner's needs for hands-on assistance. Accordingly, the Department's decision to deny Petitioner's request for HHS is reversed. However, the issue is moot because the Department has reopened Petitioner's case and scheduled another assessment. The Department does not need to take any additional action. The Department must conduct the scheduled assessment in accordance with ASM 120.

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 ORDERED that the Department's decision is **REVERSED**. The Department must complete the scheduled comprehensive assessment in accordance with ASM 120. The Department must begin to implement this order within 10 days of the mailing date of this hearing decision.



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. 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, **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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