



Date Mailed: November 7, 2025
Docket No.: 25-022929
Case No.: [REDACTED]
Petitioner: [REDACTED]

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

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Docket No.: 25-022929

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On June 16, 2025, Petitioner James Rice requested a hearing to dispute a Home Help Services (HHS) determination. The Michigan Department of Health and Human Services forwarded Petitioner's hearing request to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a hearing, and MOAHR scheduled a hearing to be held on July 24, 2025. MOAHR initially dismissed Petitioner's hearing request after Petitioner failed to appear for the hearing on July 24, 2025. However, MOAHR then discovered that it did not properly notify Petitioner of the July 24, 2025, hearing, so MOAHR vacated the dismissal and scheduled a hearing to be held on November 5, 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 Allison Pool appear as its representative. Respondent had two witnesses: Adult Services Worker Gail Johnson and Adult Services Supervisor Anthony Clark. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 48-page packet of documents provided by the Department was admitted into evidence as Exhibit A.

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. Petitioner was an HHS recipient. Petitioner was approved to receive HHS for bathing, dressing, housework, laundry, meal preparation, shopping for food/meds, and travel for shopping. Petitioner was not approved to receive HHS for any complex care services.

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2. On June 2, 2025, an adult services worker visited Petitioner in his home to complete an assessment. The adult services worker observed Petitioner and asked about him about his need for assistance. Petitioner reported that he was not using a cane, and the adult services worker observed Petitioner without using a cane. Petitioner reported that he was able to bathe and dress independently. Petitioner reported that he still needed assistance with housework, laundry, and shopping.
 3. The adult services worker determined that Petitioner did not need hands-on assistance with any activities of daily living or any complex care services.
 4. On June 3, 2025, the Department mailed a negative action notice to Petitioner to notify Petitioner that his HHS was going to be terminated, effective June 17, 2025, because he no longer needed hands-on assistance with any activities of daily living.
 5. 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 ADLs 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.

The comprehensive assessment must be periodically updated. It must be updated as often as necessary, but minimally at the six-month review. *Id.* at 1. In this case, the Department completed a periodic review of Petitioner's comprehensive assessment, and the Department terminated Petitioner's HHS as a result. Petitioner is disputing the Department's decision to terminate his HHS.

The Department met with Petitioner in his home on June 2, 2025, to complete a periodic review of Petitioner's comprehensive assessment. The Department observed Petitioner, and the Department asked Petitioner about his need for assistance. Petitioner reported that he was not using a cane, and the Department observed Petitioner without using a cane. Petitioner did not report that he was using any other adaptive equipment. Petitioner reported that he was able to bathe and dress independently. Petitioner reported that he still needed assistance with housework, laundry, and shopping. Petitioner did not report that he needed hands-on assistance with any ADLs, and Petitioner did not report that he needed any complex care services. Based on all the information the Department gathered, the Department determined that Petitioner no longer had a need for hands-on assistance with at least one ADL or a need for complex care. Accordingly, the Department terminated Petitioner's HHS.

The Department updated Petitioner's comprehensive assessment in accordance with ASM 120, and the Department terminated Petitioner's HHS in accordance with ASM 170. Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to terminate Petitioner's HHS is affirmed.

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



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://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.

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