



**Date Mailed:** August 18, 2025  
**Docket No.:** 25-024003  
**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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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.

**Date Mailed:** August 18, 2025

**Docket No.:** 25-024003

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

## **DECISION AND ORDER**

On June 27, 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 August 14, 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 with his authorized hearing representative/mother, [REDACTED]. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Emily Piggott appear as its representative. Respondent had two witnesses: Home Help Services Case Manager Erika Simons and Home Help Services Worker Holly Franck. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 78-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. In September 2024, Petitioner was approved for 101 hours and 28 minutes of HHS per month before Petitioner moved to an adult foster care home and stopped receiving HHS.
2. The 101 hours and 28 minutes of HHS that Petitioner was approved for consisted of the following time and task:
  - a. Bathing: 22 minutes each day at seven days per week for a total of 11 hours and two minutes per month.

- 
- 
- b. Dressing: 18 minutes each day at seven days per week for a total of nine hours and two minutes per month.
  - c. Eating: 44 minutes each day at seven days per week for a total of 22 hours and four minutes per month.
  - d. Grooming: 12 minutes each day at seven days per week for a total of six hours and one minute per month.
  - e. Mobility: 16 minutes each day at seven days per week for a total of eight hours and two minutes per month.
  - f. Toileting: 26 minutes each day at seven days per week for a total of 13 hours and three minutes per month.
  - g. Transferring: 8 minutes each day at seven days per week for a total of four hours and one minute per month.
  - h. Housework: 12 minutes each day at seven days per week for a total of six hours and one minute per month.
  - i. Laundry: 49 minutes each day at one day per week for a total of three hours and 31 minutes per month.
  - j. Medication: 4 minutes each day at seven days per week for a total of two hours per month.
  - k. Meal preparation: 25 minutes each day at seven days per week for a total of 12 hours and 32 minutes each month.
  - l. Shopping for food/meds: 19 minutes each day at two days per week for a total of two hours and 43 minutes each month.
  - m. Travel for shopping: 10 minutes each day at two days per week for a total of one hour and 26 minutes each month.
3. In April 2025, Petitioner moved out of the adult foster care home and back home. Petitioner reapplied for HHS when he moved back home.
  4. On May 14, 2025, an adult services worker met with Petitioner in his home to complete a comprehensive assessment. The adult services worker observed Petitioner and asked Petitioner and his provider about Petitioner's need for assistance. Petitioner's provider reported that Petitioner bathes four days per week in the shower, and she gives him sponge baths in between as needed.

25-024003

---

Petitioner's provider reported that Petitioner needs assistance with bathing, dressing, eating, grooming, mobility, toileting, transferring, housework, laundry, medications, meal preparation, shopping, and transportation.

---

5. The adult services worker determined that Petitioner had a need for hands-on assistance with activities of daily living.
6. The adult services worker determined that Petitioner should be approved for 55 hours and 36 minutes of HHS per month.
7. The 55 hours and 36 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
  - a. Bathing: 18 minutes each day at four days per week for a total of five hours and 10 minutes per month.
  - b. Dressing: 10 minutes each day at seven days per week for a total of five hours and one minute per month.
  - c. Eating: 5 minutes each day at seven days per week for a total of two hours and 30 minutes per month.
  - d. Grooming: 8 minutes each day at one day per week for a total of 34 minutes per month.
  - e. Mobility: 5 minutes each day at seven days per week for a total of two hours and 30 minutes per month.
  - f. Toileting: 26 minutes each day at seven days per week for a total of 13 hours and three minutes per month.
  - g. Transferring: 10 minutes each day at seven days per week for a total of five hours and one minute per month.
  - h. Housework: 21 minutes each day at two days per week for a total of three hours and one minute per month.
  - i. Laundry: 24 minutes each day at two days per week for a total of three hours and 26 minutes per month.
  - j. Medication: 2 minutes each day at seven days per week for a total of one hour per month.
  - k. Meal preparation: 25 minutes each day at seven days per week for a total of 12 hours and 32 minutes each month.

25-024003

- 
- 
- I. Shopping for food/meds: 15 minutes each day at one day per week for a total of one hour and four minutes each month.
    - m. Travel for shopping: 10 minutes each day at one day per week for a total of 43 minutes each month.
  8. On May 20, 2025, the Department mailed a services approval notice to Petitioner to notify him that he was approved to receive 55 hours and 36 minutes of HHS per month, effective April 23, 2025.
  9. Petitioner disagreed with the amount of time that the Department approved.
  10. Petitioner requested a hearing to dispute the Department's decision.
  11. Petitioner asserts that his needs have changed since the Department completed its assessment and issued the services approval notice; Petitioner needs more assistance now.

### **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.

25-024003

---

---

In this case, the Department completed a comprehensive assessment when Petitioner moved back home and reapplied for HHS. After the Department completed its comprehensive assessment, the Department determined that Petitioner should be approved for 55 hours and 36 minutes of HHS per month. Petitioner disagrees with the amount of time that the Department approved because it was less than the time that Petitioner had previously been approved for before Petitioner moved to an adult foster care home.

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 and his provider, and the Department observed Petitioner in his home. Petitioner's provider reported that Petitioner bathes four days per week in the shower, and she gives him sponge baths in between as needed. Petitioner's provider reported that Petitioner needs assistance with bathing, dressing, eating, grooming, mobility, toileting, transferring, housework, laundry, medications, meal preparation, shopping, and transportation. 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 55 hours and 36 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 55 hours and 36 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.

\_\_\_\_\_  
\_\_\_\_\_

**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**.



---

**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](http://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  
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.



**Via Electronic Mail:**

**Agency/Department Representative**  
EATON COUNTY DHHS  
1050 INDEPENDENCE BLVD  
CHARLOTTE, MI 48813  
**MDHHS-EATON-COUNTY-  
HEARINGS@MICHIGAN.GOV**

**Agency/Department Representative**  
EMILY PIGGOTT  
MDHHS APPEALS  
PO BOX 30807  
LANSING, MI 48909  
**PIGGOTTE2@MICHIGAN.GOV**

**Agency/Department Representative**  
MDHHS APPEALS  
PO BOX 30807  
LANSING, MI 48909  
**MDHHS-APPEALS@MICHIGAN.GOV**

**Department Contact**  
MICHELLE MARTIN  
MDHHS  
400 S PINE ST 5TH  
LANSING, MI 48933  
**MDHHS-HOME-HELP-POLICY@MICHIGAN.GOV**

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

**Authorized Hearing Representative**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]