



Date Mailed: August 19, 2025
Docket No.: 25-024196
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [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.

Date Mailed: August 19, 2025

Docket No.: 25-024196

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On July 7, 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 her daughter/home help provider, [REDACTED]. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Emily Piggott appear as its representative. Respondent had two witnesses: Adult Services Specialist Jameelah Turner and Adult Services Manager Margo Peterson. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 62-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. Petitioner was approved for 135 hours and 57 minutes of HHS per month.
2. The 135 hours and 57 minutes of HHS that Petitioner was approved for consisted of the following time and task:
 - a. Bathing: 22 minutes each day at 7 days per week for a total of 11 hours and 2 minutes per month.
 - b. Dressing: 18 minutes each day at 7 days per week for a total of 9 hours and 2 minutes per month.

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- c. Eating: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.
 - d. Grooming: 12 minutes each day at 7 days per week for a total of 6 hours and 1 minute per month.
 - e. Mobility: 18 minutes each day at 7 days per week for a total of 9 hours and 2 minutes per month.
 - f. Toileting: 28 minutes each day at 7 days per week for a total of 14 hours and 3 minutes per month.
 - g. Transferring: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - h. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
 - i. Laundry: 49 minutes each day at 2 days per week for a total of 7 hours and 1 minute per month.
 - j. Medication: 2 minutes each day at 7 days per week for a total of 1 hour per month.
 - k. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes each month.
 - l. Shopping for food/meds: 30 minutes each day at 1 day per week for a total of 2 hours and 9 minutes each month.
 - m. Travel for shopping: 12 minutes each day at 1 day per week for a total of 52 minutes each month.
 - n. Range of motion exercises: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
 - o. Specialized skin care: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
 - p. Wound care: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
3. On April 24, 2025, an adult services worker met with Petitioner in her home to complete a comprehensive assessment. The adult services worker observed

Petitioner and asked her about her need for assistance. Petitioner did not report any changes with her health. Petitioner reported that she continues to use a wheelchair to ambulate. Petitioner reported that her home help provider was [REDACTED]. Petitioner reported that she continues to need assistance with bathing, dressing, grooming, mobility, eating, toileting, transferring, medication, housework, laundry, shopping, and meal preparation. Petitioner reported that she has some wounds that need care, and she reported that she was going to ask her medical provider about a wound care nurse. Petitioner reported that she continues to need range of motion exercises and specialized skin care.

4. On April 30, 2025, the adult services worker met with Petitioner's home help services provider, [REDACTED]. [REDACTED] reported that she is still Petitioner's home help services provider. [REDACTED] reported that she assists Petitioner five to seven days per week. [REDACTED] reported that she assists Petitioner with bathing, dressing, grooming (nails only), eating (cutting food only), mobility, transferring (only if Petitioner is in pain), toileting (one to two times daily), medication, and range of motion exercises (three to four times per week for 30 minutes). [REDACTED] denied that she assists Petitioner with wound care or specialized skin care. [REDACTED] also reported that she assists Petitioner with housework, laundry, shopping, and meal preparation.
5. The adult services worker determined that Petitioner's need for assistance had changed because Petitioner's home help services provider was no longer assisting Petitioner with wound care or specialized skin care, and the hours approved for other activities did not accurately reflect Petitioner's need for assistance.
6. The adult services worker determined that Petitioner should be approved for 84 hours and 16 minutes of HHS per month.
7. The 84 hours and 16 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
 - a. Bathing: 22 minutes each day at 7 days per week for a total of 11 hours and 2 minutes per month.
 - b. Dressing: 18 minutes each day at 7 days per week for a total of 9 hours and 2 minutes per month.
 - c. Eating: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - d. Grooming: 8 minutes each day at 3 days per week for a total of 1 hour and 43 minutes per month.

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- e. Mobility: 18 minutes each day at 7 days per week for a total of 9 hours and 2 minutes per month.
 - f. Toileting: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.
 - g. Transferring: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - h. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
 - i. Laundry: 49 minutes each day at 2 days per week for a total of 7 hours and 1 minute per month.
 - j. Medication: 2 minutes each day at 7 days per week for a total of 1 hour per month.
 - k. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes each month.
 - l. Shopping for food/meds: 35 minutes each day at 1 day per week for a total of 2 hours and 30 minutes each month.
 - m. Travel for shopping: 12 minutes each day at 1 day per week for a total of 52 minutes each month.
 - n. Range of motion exercises: 30 minutes each day at 3 days per week for a total of 6 hours and 27 minutes per month.
8. On May 16, 2025, the Department mailed a negative action notice to Petitioner to notify her that she was approved to receive 84 hours and 16 minutes of HHS per month, effective June 1, 2025.
 9. Petitioner disagreed with the amount of time that the Department approved.
 10. 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.

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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.

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. The Department met with Petitioner and her home help services provider, and the Department determined that the number of HHS hours that Petitioner had been approved for should be reduced. Accordingly, the Department reduced the number of HHS hours that Petitioner was approved for. Petitioner is disputing the Department's decision to reduce her HHS hours.

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 her home to complete a comprehensive assessment. The Department observed Petitioner, and the Department asked Petitioner about her need for assistance. Petitioner reported that she continues to need

assistance with bathing, dressing, grooming, mobility, eating, toileting, transferring, medication, housework, laundry, shopping, and meal preparation. Petitioner reported that she has some wounds that need care, and she reported that she was going to ask her medical provider about a wound care nurse. Petitioner reported that she continues to need range of motion exercises and specialized skin care.

The Department then met with Petitioner's home help services provider. Petitioner's home help services provider reported that she assists Petitioner five to seven days per week. Petitioner's home help services provider reported that she assists Petitioner with bathing, dressing, grooming (nails only), eating (cutting food only), mobility, transferring (only if Petitioner is in pain), toileting (one to two times daily), medication, range of motion exercises (three to four times per week for 30 minutes), housework, laundry, shopping, and meal preparation. Petitioner's home help services provider denied that she assists Petitioner with wound care or specialized skin care.

Based on all the information the Department gathered, the Department determined that Petitioner needed hands-on assistance with at least one ADL (as well as complex care), 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 84 hours and 16 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 within 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 84 hours and 16 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

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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.



Via Electronic Mail:

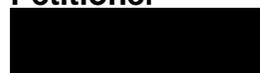
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