



**Date Mailed:** August 26, 2025  
**Docket No.:** 25-025750  
**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.

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **DECISION AND ORDER**

On July 21, 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 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 with her authorized hearing representative, [REDACTED]. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Leigha Klaver appear as its representative. Respondent had one witness, Adult Services Supervisor Anthony Clark. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 41-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 a HHS recipient.
2. On October 31, 2024, the Department completed Petitioner's most recent comprehensive assessment.
3. On March 28, 2025, an adult services worker mailed a letter to Petitioner to notify her that the adult services worker would be visiting Petitioner at her home on April 29, 2025. The letter instructed Petitioner to contact the adult services worker as soon as possible if she needed to reschedule.

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4. On April 29, 2025, the adult services worker unsuccessfully attempted to visit Petitioner at her home. Petitioner was not home.
  5. On April 30, 2025, an adult services worker mailed a letter to Petitioner to notify her that the adult services worker would be visiting Petitioner at her home on May 8, 2025. The letter instructed Petitioner to contact the adult services worker as soon as possible if she needed to reschedule.
  6. On May 8, 2025, the adult services worker unsuccessfully attempted to visit Petitioner at her home. Petitioner was not home.
  7. On May 12, 2025, the Department mailed an advance negative action notice to Petitioner to notify her that her HHS was going to be terminated effective May 26, 2025, because Petitioner was not available for two scheduled home visits.
  8. On May 12, 2025, an adult services worker mailed a letter to Petitioner to notify her that the adult services worker would be visiting Petitioner at her home on May 27, 2025. The letter instructed Petitioner to contact the adult services worker as soon as possible if she needed to reschedule.
  9. On May 27, 2025, the adult services worker unsuccessfully attempted to visit Petitioner at her home. Petitioner was not home.
  10. Petitioner requested a hearing to dispute the Department's decision to close her HHS.

### **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.

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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 unsuccessfully attempted to complete a periodic review of Petitioner's comprehensive assessment, and the Department terminated Petitioner's HHS because it was unable to complete it. Petitioner is disputing the Department's decision to terminate her HHS.

The Department attempted to update Petitioner's comprehensive assessment as required by ASM 120, but the Department was unable to because Petitioner did not make herself available for a scheduled home visit. The Department made two attempts to meet with Petitioner at her home to update Petitioner's comprehensive assessment, and Petitioner did not make herself available. Petitioner was not at home at the time of the scheduled home visits, and Petitioner did not contact the Department to reschedule. Since Petitioner did not make herself available for a scheduled home visit, the Department was unable to update Petitioner's comprehensive assessment as required by ASM 120. Accordingly, the Department terminated Petitioner's HHS. The Department acted in accordance with ASM 170 when it terminated Petitioner's HHS. Petitioner may reapply for HHS.

### **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**.



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**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](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  
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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