



Date Mailed: September 5, 2025
Docket No.: 25-027279
Case No.: [REDACTED]
Petitioner: [REDACTED]

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

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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.

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Docket No.: 25-027279

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On August 1, 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 September 3, 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's authorized hearing representative, [REDACTED] appeared for Petitioner. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer John Lambert appear as its representative. Respondent had one witness, HHS Worker Shameil Thomas. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 67-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 is a minor.
2. Petitioner lives with his mother, and his mother provides care for Petitioner.
3. Petitioner's mother is not employed.
4. Petitioner's mother is not attending school.
5. Petitioner's mother is not disabled.
6. Petitioner's mother requested HHS for Petitioner.

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7. Petitioner's mother provided the Department with a medical needs form for Petitioner. In the medical needs form, Petitioner's medical provider noted that Petitioner's diagnosis is autism.
 8. On June 26, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that his request for HHS was denied because he has a responsible relative who is able and available to care for him.
 9. Petitioner's mother 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 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.

Minor children may be eligible for HHS. ASM 101 (April 1, 2018), p. 4. However, for a minor child to be eligible for HHS, the comprehensive assessment must show that the minor child needs personal care services to supplement usual parental care, justified by high service needs of the family. *Id.* High service needs are those which arise from a physical, medical, emotional, or mental impairment of the minor child, which require significantly higher levels of intervention than those required by a child of the same age without similar impairments. *Id.* Additionally, children who have a responsible relative to care for their needs are not eligible for HHS for tasks that can be completed by the

responsible relative during the time the responsible relative is available. *Id.* The adult services worker must evaluate whether day care services are appropriate rather than HHS. *Id.*

In this case, the Department determined that Petitioner had a responsible relative who was able and available to care for Petitioner, so the Department determined that Petitioner was ineligible for HHS. Petitioner's mother was living with Petitioner and providing care for Petitioner. Petitioner did not present any evidence to establish that his mother was unable or unavailable to care for Petitioner. Thus, based on the evidence presented, the Department properly determined that Petitioner had a responsible relative who was able and available to care for him. Therefore, the Department properly determined that Petitioner was ineligible for HHS. Accordingly, the Department's decision 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 denied Petitioner's request for 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://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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