



Date Mailed: September 15, 2025
Docket No.: 25-027754
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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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.: 25-027754

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On August 6, 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 10, 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 herself. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Florence Scott-Emuakpor appear as its representative. Respondent had two witnesses: Adult Services Specialist Sharon Clark and Adult Services Supervisor Chrystyna Head. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 42-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 requested HHS from the Department.
2. Petitioner submitted a medical needs form (54A) completed by her medical provider, Dr. Sanjay Lakhani. The medical needs form certified that Petitioner had a need for assistance with meal preparation, shopping, laundry, and housework. The medical needs form did not certify that Petitioner had a need for assistance with any complex care services.

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3. On July 16, 2025, an adult services worker visited Petitioner in her home to complete an assessment. Petitioner and the adult services worker were the only individuals present. Petitioner greeted the adult services worker at the gate to the community that Petitioner lived in, Petitioner walked with the adult services worker through the community to Petitioner's apartment, and Petitioner walked up stairs to her apartment. Petitioner walked through her apartment community and up the stairs without any assistance or adaptive equipment. The adult services worker asked Petitioner about her need for assistance, and the adult services worker observed Petitioner in her home. Petitioner did not report that she used any adaptive equipment such as a cane or walker, and the adult services worker did not observe any adaptive equipment in Petitioner's home. Petitioner reported to the adult services worker that she performs her activities of daily living without any hands-on assistance. Petitioner reported to the adult services worker that she needed assistance with laundry and housework.
 4. On July 17, 2025, the adult services worker contacted Petitioner's HHS provider by telephone. The adult services worker asked Petitioner's HHS provider about the assistance that she provides for Petitioner. Petitioner's HHS provider informed the adult services worker that she only assists Petitioner with instrumental activities of daily living.
 5. The adult services worker concluded that Petitioner did not have a need for hands-on assistance with at least one activity of daily living, and the adult services worker concluded that Petitioner did not need complex care.
 6. On July 23, 2025, the Department mailed a negative action notice to Petitioner to inform Petitioner that her request for HHS was denied because she did not need hands-on assistance with at least one activity of daily living.
 7. 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 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.

In this case, the Department completed a comprehensive assessment, and the Department determined that Petitioner did not have a need for hands-on assistance with at least one activity of daily living (ADL) or a need for complex care, so the Department denied Petitioner's request for HHS. Petitioner is disputing the Department's decision to deny her request for HHS.

The Department met with Petitioner in her home to complete Petitioner's comprehensive assessment. The Department observed Petitioner, and the Department asked Petitioner about her need for assistance. The Department observed Petitioner walk through her apartment community and up stairs without any assistance or adaptive equipment. Petitioner did not report that she used any adaptive equipment such as a cane or walker, and the Department did not observe any adaptive equipment in Petitioner's home. Petitioner reported to the Department that she performs her ADL's without any hands-on assistance, and Petitioner reported to the Department that she only needed assistance with laundry and housework. This was consistent with the information provided on Petitioner's medical needs form. Additionally, the Department spoke with Petitioner's HHS provider, and Petitioner's HHS provider reported to the Department that she only assisted Petitioner with her instrumental activities of daily living. Based on all the information the Department gathered, the Department determined that Petitioner did not have a need for hands-on assistance with at least one ADL or a need for complex care.

The Department completed Petitioner's comprehensive assessment in accordance with ASM 120, the Department properly determined that Petitioner did not meet the eligibility criteria for HHS in accordance with ASM 105, and the Department properly notified Petitioner that her request for HHS was denied in accordance with ASM 150. Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to deny Petitioner's request for HHS is affirmed. Petitioner may reapply for HHS if her need for assistance changes.

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.

Via Electronic Mail:

Agency/Department Representative
FLORENCE SCOTT-EMUAKPOR
MDHHS Appeals Section
P.O. BOX 30807
LANSING, MI 48909
SCOTT@MICHIGAN.GOV

Respondent
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

Agency/Department Representative
SHERRY REID
MDHHS GREENVIEW ADULT SERVICES
19340 GREENVIEW AVE STE 200
DETROIT, MI 48219
MDHHS-WC-MAHSHEARING@MICHIGAN.GOV

Via First Class Mail:

Petitioner

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

