



Date Mailed: October 29, 2025
Docket No.: 25-034864
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.

Date Mailed: October 29, 2025

Docket No.: 25-034864

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On October 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 October 23, 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 Allison Pool appear as its representative. Respondent had one witness, Social Services Specialist Latricia Jones. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 38-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 is an HHS recipient.
2. Petitioner was approved for 51 hours and 44 minutes of HHS per month.
3. The 51 hours and 44 minutes of HHS that Petitioner was approved for consisted of the following time and task:
 - a. Bathing: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - b. Dressing: 5 minutes each day at 7 days per week for a total of 2 hours and 30 minutes per month.

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- c. Grooming: 4 minutes each day at 7 days per week for a total of 2 hours per month.
 - d. Mobility: 5 minutes each day at 7 days per week for a total of 2 hours and 30 minutes per month.
 - e. Toileting: 2 minutes each day at 7 days per week for a total of 1 hour per month.
 - f. Transferring: 2 minutes each day at 7 days per week for a total of 1 hour per month.
 - g. Housework: 1 hour and 24 minutes each day at 1 day per week for a total of 6 hours and 1 minute per month.
 - h. Laundry: 1 hour and 38 minutes each day at 1 day per week for a total of 7 hours and 1 minute per month.
 - i. Medication: 1 minute each day at 7 days per week for a total of 30 minutes per month.
 - j. Meal preparation: 35 minutes each day at 7 days per week for a total of 17 hours and 33 minutes per month.
 - k. Shopping for food/medications: 1 hour and 10 minutes each day at 1 day per week for a total of 5 hours and 1 minute per month.
 - l. Travel for shopping: 22 minutes each day at 1 day per week for a total of 1 hour and 35 minutes per month.
4. On September 10, 2025, an adult services worker went to Petitioner's home to complete a comprehensive assessment. Petitioner was not at home at the time. Petitioner was at the gym. Petitioner's HHS provider contacted Petitioner, and Petitioner arrived at home shortly thereafter. When Petitioner arrived at her home, the adult services worker observed Petitioner get out of her car, walk to the porch, walk up steps, and bend down and move a plant. The adult services worker observed Petitioner do this without any assistance or adaptive equipment. The adult services worker then met with Petitioner in her home to complete the comprehensive assessment. The adult services worker observed Petitioner and asked her about her need for assistance. The adult services worker learned that Petitioner's HHS provider was living in Petitioner's home.

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5. Based on the information that the adult services worker gathered, the adult services worker determined that Petitioner no longer needed hands-on assistance with mobility and transferring. Additionally, the adult services worker determined that Petitioner was living in a shared living arrangement with her HHS provider, so the adult services worker determined that Petitioner's instrumental activities of daily living had to be prorated by one half.
 6. The adult services worker determined that Petitioner should be approved for 34 hours and 11 minutes of HHS per month.
 7. The 34 hours and 11 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
 - a. Bathing: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - b. Dressing: 5 minutes each day at 7 days per week for a total of 2 hours and 30 minutes per month.
 - c. Grooming: 4 minutes each day at 7 days per week for a total of 2 hours per month.
 - d. Toileting: 2 minutes each day at 7 days per week for a total of 1 hour per month.
 - e. Housework: 42 minutes each day at 1 day per week for a total of 3 hours and 1 minute per month.
 - f. Laundry: 49 minutes each day at 1 day per week for a total of 3 hours and 31 minutes per month.
 - g. Medication: 1 minute each day at 7 days per week for a total of 30 minutes per month.
 - h. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
 - i. Shopping for food/medications: 35 minutes each day at 1 day per week for a total of 2 hours and 30 minutes per month.
 - j. Travel for shopping: 22 minutes each day at 1 day per week for a total of 1 hour and 35 minutes per month.

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8. On September 12, 2025, the Department mailed a negative action notice to Petitioner to notify her that she was approved to receive 34 hours and 11 minutes of HHS per month, effective September 1, 2025.
 9. 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 ADLs 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, and the Department determined that Petitioner's HHS hours should be reduced. Petitioner is disputing the Department's decision to reduce her HHS hours.

The Department met with Petitioner in her home to complete a periodic review of Petitioner's comprehensive assessment. During the home visit, the Department observed Petitioner walk, climb stairs, and bend down without any assistance or adaptive equipment. Additionally, the Department learned that Petitioner's HHS provider

was living with Petitioner. Based on this information, the Department determined that Petitioner was living in a shared living arrangement with an adult.

Based on the information that the Department gathered, the Department determined that Petitioner no longer needed hands-on assistance with mobility and transferring. Additionally, the Department determined that Petitioner was living in a shared living arrangement with her HHS provider, so the Department determined that Petitioner's instrumental activities of daily living had to be prorated by one half.

The Department completed Petitioner's comprehensive assessment in accordance with ASM 120. The Department properly determined that Petitioner no longer had a need for hands-on assistance with mobility and transferring. Additionally, the Department properly determined that Petitioner's instrumental activities of daily living (IADLs) had to be prorated because Petitioner's HHS provider was living with her.

HHS hours cannot be approved for services provided for the benefit of others. ASM 101 (April 1, 2018), pp. 4-5. When an HHS client lives in a shared living arrangement where other adults reside in the home, the Department must prorate the client's time for all IADLs by one half, except for medications. ASM 120 at 6-7. Those activities known as IADLs are housework, laundry, medications, meal preparation, and shopping for food/medications. *Id.* at 3. Since the Department determined that Petitioner was living in a shared living arrangement with her HHS provider, the Department properly determined that Petitioner's IADLs (except medications) should be prorated by one half. Accordingly, the Department prorated Petitioner's housework, laundry, meal preparation, and shopping for food/medications by one half. The Department acted in accordance with ASM 120.

The Department properly determined that Petitioner's HHS hours should be reduced to 34 hours and 11 minutes of HHS per month, and Petitioner did not present sufficient evidence to establish that the Department's reduction should be reversed. Accordingly, the Department's decision to reduce Petitioner's HHS hours to 34 hours and 11 minutes per month is affirmed. If Petitioner's needs have changed, then Petitioner may notify the Department and request an updated comprehensive assessment. If Petitioner's living arrangement has changed, then Petitioner may notify the Department and request an updated comprehensive assessment.

Although the Department properly determined that Petitioner's HHS hours should be reduced to 34 hours and 11 minutes per month, the Department did not properly determine the effective date of the reduction. The Department mailed a negative action notice to Petitioner on September 12, 2025, to notify Petitioner that her HHS hours were reduced effective September 1, 2025. The Department's negative action notice was not issued in accordance with ASM 150 because it did not give Petitioner advance notice of

the reduction. The effective date of a negative action is 10 business days after the date the notice is mailed to the client. ASM 150 (May 1, 2023), p. 3.

There are some exceptions which do not require advance notice, but the Department did not establish that any of the exceptions in ASM 150 applied, so the Department's negative action notice should have given Petitioner 10 business days of advance notice of the reduction. Since the Department mailed the negative action notice on September 12, 2025, the reduction should not have been effective until September 26, 2025. For these reasons, the Department's decision is reversed. The Department must change the effective date of the reduction to September 26, 2025, in accordance with ASM 150.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly determined that Petitioner's HHS hours should be reduced to 34 hours and 11 minutes per month, but the Department did not properly determine the effective date of the reduction.

IT IS ORDERED that the Department's decision is **AFFIRMED IN PART and REVERSED IN PART**. The Department's decision to reduce Petitioner's HHS hours to 34 hours and 11 minutes per month is affirmed. The Department's decision to reduce Petitioner's HHS hours effective September 1, 2025, is reversed. The Department must change the effective date of the reduction from September 1, 2025, to September 26, 2025, in accordance with ASM 150. The Department must begin to implement this order within 10 days from the mailing date of this hearing decision.



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://rs.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 LARA-MOAHR-DCH@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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