



**Date Mailed:** December 19, 2025  
**Docket No.:** 25-039726  
**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]

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on December 15, 2025. Petitioner was represented by his Authorized Hearing Representative (AHR) [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rebecca Ridley, Hearings Coordinator.

### **ISSUE**

Did the Department properly apply Petitioner's medical expenses to his deductible under the Group 2 SSI-Related (G2S) Medical Assistance (MA) program?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing MA recipient under the G2S MA program with a deductible of \$1,799.
2. Petitioner was receiving Home Help Services (HHS) in which his provider was also his AHR.
3. The Department used Petitioner's HHS expenses to meet his deductible during the months of June 2025, through November 2025.
4. On October 20, 2025, Petitioner's AHR submitted a request for hearing disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

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The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner was an ongoing MA recipient under the G2S MA program with a deductible of \$1,799. Petitioner had monthly HHS expenses totaling \$3,347 per month. Petitioner was enrolled in the MA personal care option wherein his deductible was met on the first day of the month and full coverage MA was activated. Petitioner was responsible for paying his provider out of pocket for the excess expenses. ASM 105 (October 2025), p. 2. As such the State of Michigan was issuing payments to Petitioner's provider/AHR the difference between the cost of the services (\$3,347) and his monthly deductible (\$1,799), as Petitioner was responsible for paying the difference. Petitioner's AHR argued that Petitioner also has monthly private duty medical expenses that should be applied to meet the deductible, which would allow her to bill for the entirety of the HHS expenses. Petitioner's AHR submitted medical expenses showing Petitioner paid \$1,729 in June 2025 (Exhibit A, p. 30); \$1,781 in July 2025 (Exhibit A, p. 5); \$1,820 in August 2025; \$1,833 in September 2025 (Exhibit A, p. 23); and \$1,820 in October 2025 (Exhibit A, p. 34). Petitioner also had out of pocket medical expenses for medical hygiene products (Exhibit A, pp. 6-8). Upon review of the Department's case comments, the Department determined that the private duty medical expenses were insufficient to verify that Petitioner's deductible was met. The Department indicated that the bills did not establish what services were rendered to qualify them as medical expenses.

Clients who have an MA deductible, and need Home Help personal care services, may become eligible for MA under the Medicaid personal care option. ASM 105, p. 2. MA coverage under the personal care option may be authorized or continued at the beneficiary's option. BEM 545, p. 24. MA eligibility under the personal care option cannot continue if the personal care cost becomes equal to or less than the deductible amount. ASM 105, p. 2.

Allowable medical expenses include amounts the medical group incurs for personal services. BEM 545, pp. 21-22. Personal care services in the home includes activities of daily living such as eating/feeding, toileting, bathing, dressing, transferring, grooming, ambulation, and taking medication. BEM 545, p. 22. Verification sources to verify an incurred expense includes: (i) a bill from a medical provider; (ii) a receipt from a medical provider; or (iii) contact with the medical provider or the provider's billing service. BEM 545, p. 16. The personal care services provider must verify all of the following: (i) the date the service was provided; (ii) the charge for that day for the services provided; (iii) what the services rendered are services related to activities of daily living; (iv) what

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household services rendered in the beneficiary's home are services essential to the ill person's health and comfort. BEM 545, p. 23.

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Because Petitioner's private duty care is less than his deductible, he cannot continue the personal care option through that expense. The personal care option is only continued at the beneficiary's request. Because Petitioner's AHR requested that Petitioner meet his deductible through the private duty care, combined with the medical hygiene expenses, it is evident that Petitioner's AHR desires to opt out of the personal care option. Therefore, the Department erred when it did not opt Petitioner out of the personal care option and allow him to verify that his deductible is met through other medical expenses.

Per the case comments, the Department indicated that the private duty medical expenses were insufficient to verify that his deductible had been met because they did not indicate what services were being provided. Per policy, personal care services are allowable medical expenses to meet a deductible. The initial expense statement submitted by Petitioner's AHR did not show the services provided (Exhibit A, p. 5). However, Petitioner's AHR resubmitted the bills indicating what services were provided, including bathing, toileting, medical assistance, feeding, dressing and light housekeeping (Exhibit A, pp. 30-34). The Department did not provide any testimony or evidence as to why the updated expenses were insufficient to meet Petitioner's deductible. If the Department considers the expense statements to be questionable, per policy, the Department may contact the provider to verify the authenticity of the statements or any other verifications issues.

Because Petitioner may opt out of the personal care option, the Department erred when it did not allow Petitioner to meet his deductible through medical expenses other than his HHS expense. Additionally, the Department failed to establish that the private duty medical expenses were insufficient to establish that Petitioner met his deductible. Therefore, the Department failed to establish that it acted in accordance with Department policy when it determined Petitioner's MA eligibility.

It should be noted that since Petitioner is choosing to opt out of the personal care option, he will be required to provide the Department medical expenses on a monthly basis to verify that his deductible is met. Additionally, when opting out of the personal care option, Petitioner's deductible will no longer be automatically met on the first of the month and full coverage MA benefits will be activated at the point in which he meets his deductible.

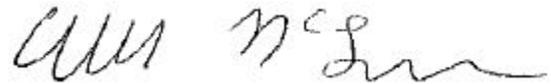
### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it determined Petitioner's MA eligibility. Accordingly, the Department's decision is **REVERSED**.

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THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's MA eligibility as of June 1, 2025, ongoing;
2. Remove Petitioner from the personal care option;
3. Determine whether Petitioner met his deductible with medical expenses submitted other than for HHS expenses;
4. Provide Petitioner with MA coverage he is entitled to receive; and
5. Notify Petitioner of its MA decision in writing.



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**ELLEN MCLEMORE  
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://lrs.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.



**Via Electronic Mail:**

**Respondent**

GENESEE COUNTY DHHS CLIO RD DIST

4809 CLIO RD

FLINT, MI 48502

**MDHHS-GENESEE-CLIO-HEARINGS@MICHIGAN.GOV**

**Via First Class Mail:**

**Petitioner**

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

**Authorized Hearing Rep**

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