

**Date Mailed:** January 12, 2026

**Docket No.:** 25-042618

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **DECISION AND ORDER**

On December 2, 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 January 7, 2026. 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, Mary Beth Hale. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Leigha Klaver appear as its representative. Respondent had two witnesses: Adult Services Worker Kya Lockett and Adult Services Supervisor Aurelia Edwards. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 63-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 was approved for 128 hours and 34 minutes of HHS per month.
2. The 128 hours and 34 minutes of HHS that Petitioner was approved for consisted of the following time and task:
  - a. Bathing: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
  - b. Dressing: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.

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- c. Eating: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
  - d. Grooming: 15 minutes each day at 7 days per week for a total of 7 hours and 31 minutes per month.
  - e. Mobility: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.
  - f. Toileting: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
  - g. Transferring: 40 minutes each day at 7 days per week for a total of 20 hours and 4 minutes per month.
  - h. Housework: 12 minutes each day at 7 days per week for a total of 6 hours and 1 minute per month.
  - i. Laundry: 49 minutes each day at 2 days per week for a total of 7 hours and 1 minute per month.
  - j. Medication: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
  - k. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
  - l. Shopping for food/medications: 35 minutes each day at 1 day per week for a total of 2 hours and 30 minutes per month.
  - m. Travel for shopping: 30 minutes each day at 1 day per week for a total of 2 hours and 9 minutes per month.
  - n. Range of motion exercises: 15 minutes each day at 7 days per week for a total of 7 hours and 31 minutes per month.
3. On October 16, 2025, an adult services worker met with Petitioner in her home to complete a comprehensive assessment. Petitioner and her mother/caretaker, [REDACTED], were present. The adult services worker observed Petitioner and asked about her need for assistance. Petitioner and her mother did not report any changes. Petitioner was living with her mother, her sister, and her sister's two children. The adult services worker determined that all of Petitioner's instrumental activities of daily living (except laundry) had to be prorated by one half due to a shared living arrangement. The adult services worker determined that Petitioner's laundry did not have to be prorated because Petitioner required separate laundry for incontinence.

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4. The adult services worker reviewed Petitioner's case and determined that all her instrumental activities of daily living were already properly prorated except for housework.
  5. The adult services worker determined that Petitioner should be approved for 125 hours and 33 minutes of HHS per month.
  6. The 125 hours and 33 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
    - a. Bathing: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
    - b. Dressing: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.
    - c. Eating: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
    - d. Grooming: 15 minutes each day at 7 days per week for a total of 7 hours and 31 minutes per month.
    - e. Mobility: 20 minutes each day at 7 days per week for a total of 10 hours and 2 minutes per month.
    - f. Toileting: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
    - g. Transferring: 40 minutes each day at 7 days per week for a total of 20 hours and 4 minutes per month.
    - h. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
    - i. Laundry: 49 minutes each day at 2 days per week for a total of 7 hours and 1 minute per month.
    - j. Medication: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
    - k. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
    - l. Shopping for food/medications: 35 minutes each day at 1 day per week for a total of 2 hours and 30 minutes per month.

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- m. Travel for shopping: 30 minutes each day at 1 day per week for a total of 2 hours and 9 minutes per month.
  - n. Range of motion exercises: 15 minutes each day at 7 days per week for a total of 7 hours and 31 minutes per month.
7. The only change that the adult services worker made to Petitioner's time and task was a reduction in housework by one half.
  8. On October 23, 2025, the Department mailed a negative action notice to Petitioner to notify her that she was approved to receive 125 hours and 33 minutes of HHS per month, effective November 6, 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 (October 1, 2025), 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 (October 1, 2025), 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.

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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, Petitioner and her mother did not report any changes. Petitioner was living with her mother, her sister, and her sister's two children. The Department determined that all of Petitioner's instrumental activities of daily living (except laundry) had to be prorated by one half due to a shared living arrangement. The Department reviewed Petitioner's case and determined that all her instrumental activities of daily living were already properly prorated except for housework. Accordingly, the Department prorated Petitioner's housework, which reduced Petitioner's HHS hours.

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 instrumental activities of daily living by one half, except for medications. ASM 120 at 6-7. Those activities known as instrumental activities of daily living are housework, laundry, medications, meal preparation, and shopping for food/medications. *Id.* at 3. The Department is not required to prorate the client's time for an instrumental activity of daily living when it is clearly documented that that the activity for the client is completed separately from others in the home. *Id.*

Prior to the October 16, 2025, assessment, the Department determined that all of Petitioner's instrumental activities of daily living (except laundry) should be prorated due to a shared living arrangement. The Department determined that Petitioner's time for laundry did not need to be prorated because Petitioner's laundry was completed separately due to incontinence. The Department had prorated Petitioner's meal preparation and shopping for food/medications, but the Department discovered that it had not prorated Petitioner's housework. Accordingly, the Department prorated Petitioner's time for housework after the assessment. The Department acted in accordance with ASM 120.

Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to approve Petitioner for 125 hours and 33 minutes of HHS 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.

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**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly determined Petitioner's HHS eligibility.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



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**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](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 [LARA-MOAHR-DCH@michigan.gov](mailto: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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