

Date Mailed: January 14, 2026

Docket No.: 25-043398

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On December 3, 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 8, 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 and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer Emily Piggott appear as its representative. Respondent had two witnesses: Adult Services Worker Catharine Kabira and Adult Services Supervisor Anthony Clark. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 64-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. On August 29, 2025, Petitioner requested HHS from the Department.
2. On August 29, 2025, the Department received a medical needs form completed by Petitioner's medical provider, Dr. Mohammed Haque. Petitioner's medical provider certified that Petitioner had a need for assistance with personal care activities, and Petitioner's medical provider marked the following personal care activities: bathing, grooming, dressing, medications, meal preparation, shopping, laundry, and housework. Petitioner's medical provider did not certify that Petitioner had a need for assistance with complex care services.

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3. On October 10, 2025, an adult services worker met with Petitioner in his home to complete a comprehensive assessment. Petitioner's proposed HHS provider, [REDACTED], was present. The adult services worker observed Petitioner and asked Petitioner about his need for assistance. Petitioner reported that he did not use any adaptive equipment such as a cane or walker, and the adult services worker did not observe any adaptive equipment. Petitioner reported that he needed assistance with getting in and out of the bath three days per week, dressing three days per week, medications seven days per week, transferring seven days per week, toileting seven days per week, housework three days per week, laundry one day per week, travel for laundry one day per week, meal preparation five days per week, shopping for food/medications one day per week, and travel for shopping for food/medications one day per week. Petitioner reported that he was able to complete eating, mobility, and grooming independently.
 4. The adult services worker determined that Petitioner had a need for hands-on assistance with activities of daily living, and the adult services worker determined that Petitioner should be approved for 33 hours and 36 minutes of HHS per month. The adult services worker determined Petitioner's approved time based in part on the adult services worker's use of Aldi (15415 Gratiot Ave in Detroit) as his grocery store, Med Plus Care Pharmacy (14071 E 7 Mile Rd in Detroit) as his pharmacy, and Super Clean Coin Laundromat (12930 E 7 Mile Rd in Detroit) as his laundromat.
 5. The 33 hours and 36 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
 - a. Bathing: 16 minutes per day at 3 days per week for a total of 3 hours and 26 minutes per month.
 - b. Dressing: 14 minutes per day at 7 days per week for a total of 7 hours and 1 minute per month.
 - c. Toileting: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.
 - d. Transferring: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.
 - e. Housework: 12 minutes per day at 3 days per week for a total of 2 hours and 35 minutes per month.
 - f. Laundry: 30 minutes per day at 1 day per week for a total of 2 hours and 9 minutes per month.
 - g. Travel for laundry: 10 minutes per day at 1 day per week for a total of 43 minutes per month.

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- h. Medications: 2 minutes per day at 7 days per week for a total of 1 hour per month.
 - i. Meal preparation: 25 minutes per day at 5 days per week for a total of 8 hours and 57 minutes per month.
 - j. Shopping for food/meds: 20 minutes per day at 1 day per week for a total of 1 hour and 26 minutes per month.
 - k. Travel for shopping: 4 minutes per day at 1 day per week for a total of 17 minutes per month.
6. On October 21, 2025, the Department mailed a services approval notice to Petitioner to notify him that he was approved to receive 33 hours and 36 minutes HHS, effective August 29, 2025.
 7. Petitioner disagreed with the amount of time that the Department approved, so 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 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 (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.

In this case, the Department completed a comprehensive assessment after Petitioner applied for HHS. After the Department completed its comprehensive assessment, the Department determined that Petitioner should be approved for 33 hours and 36 minutes of HHS per month. Petitioner disagrees with the amount of time that the Department approved.

The Department allocates time for each task that a client needs at least some human assistance with. ASM 120 at 5. The Department determines how much time to allocate to each task based on the interviews with the client and caregiver, observation of the client, and the reasonable time schedule. *Id.* A client is not automatically guaranteed the suggested allotted time allowed by the reasonable time schedule. *Id.* at 5-6. The adult services worker must assess each task according to the average time and frequency required for its completion. *Id.* at 6. This takes into consideration that the amount of assistance a client requires each day may vary. *Id.* The Department cannot approve HHS for tasks that do not require at least some human assistance, the Department cannot approve HHS for services provided for the benefit of people other than the client, and the Department cannot approve HHS in some other situations. ASM 101 (April 1, 2018), pp. 4-5. When the Department determines that a client needs travel time for laundry and travel time for shopping for food/medications, the Department must calculate the travel time by using the nearest laundry facility and by using grocery stores and pharmacies that are in the client's local area. ASM 141 (March 1, 2018), pp. 1-2.

The Department met with Petitioner in his home to complete a comprehensive assessment. The Department interviewed Petitioner, and the Department observed Petitioner in his home. Based on all the information the Department gathered, the Department determined that Petitioner needed hands-on assistance with at least one ADL, so the Department determined that Petitioner was eligible for HHS. Additionally, the Department allocated time for each task that Petitioner needed at least some human assistance with. The Department determined that Petitioner needed 33 hours and 36 minutes of HHS per month.

The Department completed Petitioner's comprehensive assessment in accordance with ASM 120, and the Department allocated time for each task that Petitioner needed at least some human assistance with in accordance with ASM 120 and ASM 141. 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 33 hours and 36 minutes of HHS per month is affirmed. If Petitioner's needs have changed, Petitioner may notify the Department and request an updated comprehensive assessment.

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**.



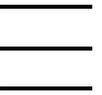
JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

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 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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