

Date Mailed: February 23, 2026

Docket No.: 25-044819

Case No.: [REDACTED]

Petitioner: [REDACTED]

DECISION AND ORDER

On December 11, 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 15, 2026. The hearing was then continued to be held on February 18, 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, [REDACTED]. Respondent Michigan Department of Health and Human Services (Department) had Appeals Review Officer John Lambert appear as its representative. Respondent had two witnesses: Adult Services Worker Genia Boynton and Adult Services Supervisor Norshell Mack. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 99-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 and her spouse, [REDACTED], are both approved to receive HHS.
2. Petitioner and her spouse both have the same HHS provider, [REDACTED].
3. [REDACTED] lives with Petitioner and her spouse.
4. Petitioner was approved for 26 hours and 18 minutes of HHS per month.
5. The 26 hours and 18 minutes of HHS that Petitioner was approved for consisted of the following time and task:

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- a. Bathing: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
 - b. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
 - c. Laundry: 20 minutes each day at 2 days per week for a total of 2 hours and 52 minutes per month.
 - d. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
 - e. Shopping for food/medications: 17 minutes each day at 2 days per week for a total of 2 hours and 26 minutes per month.
 - f. Travel for shopping: 3 minutes each day at 2 days per week for a total of 26 minutes per month.
6. The Department prorated Petitioner's time for housework, laundry, meal preparation, shopping for food/medications, and travel for shopping because Petitioner lived in a shared living environment with [REDACTED].
 7. On September 29, 2025, the Department received an updated medical needs form from Petitioner's medical provider, Nurse Practitioner Talal Sabrah. The medical needs form did not certify that Petitioner had a need for personal care activities because "yes" was not indicated in section I on the form where it asked, "do you certify the patient has a medical need for assistance with any of the personal care activities listed below?" The medical needs form contained a comment that stated, "helping with specialized diet due to Meniere's disease."
 8. On October 17, 2025, an adult services worker met with Petitioner in her home to complete a comprehensive assessment. Petitioner reported experiencing stomach issues, and the adult services worker determined that Petitioner's time for meal preparation and laundry should be increased due to Petitioner's stomach issues.
 9. The adult services worker determined that Petitioner should be approved for 29 hours and 23 minutes of HHS per month, effective October 17, 2025.
 10. The 29 hours and 23 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. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.

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- c. Laundry: 24 minutes each day at 2 days per week for a total of 3 hours and 26 minutes per month.
 - d. Meal preparation: 30 minutes each day at 7 days per week for a total of 15 hours and 3 minutes per month.
 - e. Shopping for food/medications: 17 minutes each day at 2 days per week for a total of 2 hours and 26 minutes per month.
 - f. Travel for shopping: 3 minutes each day at 2 days per week for a total of 26 minutes per month.
11. On October 23, 2025, the Department mailed a services approval notice to Petitioner to notify her that she was approved to receive 29 hours and 23 minutes of HHS per month, effective October 17, 2025.
 12. Petitioner requested a hearing to dispute the Department's decision.
 13. Petitioner asserted that her HHS hours should have been increased effective September 29, 2025, rather than October 17, 2025, and Petitioner asserted that her HHS hours should have been increased more than just 3 hours and 5 minutes per month.
 14. The Department asserted that it erroneously increased Petitioner's HHS hours because it did not clearly document that Petitioner's meal preparation and laundry were completed separately from others in the home.

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.

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 increased by 3 hours and 5 minutes per month, effective October 17, 2025. Petitioner is disputing her HHS hours and the effective date of the increase.

The Department met with Petitioner in her home to complete a periodic review of Petitioner's comprehensive assessment. During the home visit, Petitioner reported experiencing stomach issues, and the Department determined that Petitioner's time for meal preparation and laundry should be increased due to Petitioner's stomach issues. Accordingly, the Department increased Petitioner's HHS by 3 hours and 5 minutes per month.

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.* Based on the evidence presented, all of Petitioner's instrumental activities of daily living must be prorated by one half, except medications, since it was not clearly documented that any of Petitioner's instrumental activities of daily living were completed separately from others in the home.

The maximum hours that can be approved for instrumental activities of daily living are as follows:

- 5 hours/month for shopping.
- 6 hours/month for light housework.
- 7 hours/month for laundry.
- 25 hours/month for meal preparation.

ASM 120 at 6. Since Petitioner's instrumental activities of daily living must be prorated by one half, except for medications, the maximum hours that can be approved for Petitioner's instrumental activities of daily living are as follows:

- 2 hours and 30 minutes/month for shopping.
- 3 hours/month for light housework.
- 3 hours and 30 minutes/month for laundry.
- 12 hours and 30 minutes/month for meal preparation.

The Department erroneously approved Petitioner to receive more than the maximum hours for Petitioner's instrumental activities of daily living because the Department approved Petitioner to receive more than 12 hours and 30 minutes per month for meal preparation. The Department approved Petitioner to receive 15 hours and 3 minutes per month for meal preparation when the Department should have only approved Petitioner to receive 12 hours and 30 minutes per month for meal preparation.

The Department's decision is affirmed in part and reversed in part. The Department's decision to increase Petitioner's time for laundry is affirmed, and the Department's decision to increase Petitioner's time for meal preparation is reversed. The Department must issue a new services approval notice for 26 hours and 52 minutes as follows:

- a. Bathing: 10 minutes each day at 7 days per week for a total of 5 hours and 1 minute per month.
- b. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
- c. Laundry: 24 minutes each day at 2 days per week for a total of 3 hours and 26 minutes per month.
- d. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.
- e. Shopping for food/medications: 17 minutes each day at 2 days per week for a total of 2 hours and 26 minutes per month.
- f. Travel for shopping: 3 minutes each day at 2 days per week for a total of 26 minutes per month.

The effective date of the services approval notice should be the date of the periodic review, October 17, 2025. This is the correct date for the increase because the increase was due to information obtained during the periodic review on October 17, 2025. Although Petitioner asserted that the effective date should be September 29, 2025, Petitioner did not present sufficient evidence to establish that the increase should have been effective prior to the periodic review.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly increased Petitioner's time for laundry, but the Department did not properly increase Petitioner's time for meal preparation.

IT IS ORDERED that the Department's decision is **AFFIRMED IN PART AND REVERSED IN PART**. The Department must issue a new services approval notice to approve Petitioner for 26 hours and 52 minutes of HHS per month, effective October 17, 2025. The Department must begin to implement this order within 10 days of 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://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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