

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 is married, and Petitioner lives with her spouse.
3. The Department approved Petitioner to receive 66 hours and 34 minutes of HHS per month.
4. The 66 hours and 34 minutes of HHS that the Department approved Petitioner to receive consisted of the following time and task:
 - a. Bathing: 16 minutes each day at 7 days per week for a total of 8 hours and 2 minutes per month.
 - b. Dressing: 16 minutes each day at 7 days per week for a total of 8 hours and 2 minutes per month.
 - c. Grooming: 8 minutes each day at 7 days per week for a total of 4 hours and 1 minute per month.
 - d. Mobility: 18 minutes each day at 7 days per week for a total of 9 hours and 2 minutes per month.
 - e. Toileting: 28 minutes each day at 7 days per week for a total of 14 hours and 3 minutes per month.
 - f. Housework: 6 minutes each day at 7 days per week for a total of 3 hours and 1 minute per month.
 - g. Laundry: 24 minutes each day at 2 days per week for a total of 3 hours and 26 minutes per month.
 - h. Medication: 2 minutes each day at 4 days per week for a total of 34 minutes per month.
 - i. Meal preparation: 25 minutes each day at 7 days per week for a total of 12 hours and 32 minutes per month.

- j. Shopping for food/medications: 17 minutes each day at 2 days per week for a total of 2 hours and 26 minutes per month.
 - k. Travel for shopping: 10 minutes each day at 2 days per week for a total of 1 hour and 26 minutes per month.
5. On December 8, 2025, an adult services worker went to Petitioner's home to complete a comprehensive assessment. The adult services worker met with Petitioner and her HHS provider, Quinton Radney, in Petitioner's home. The adult services worker observed Petitioner and asked her about her need for assistance. The adult services worker concluded that Petitioner's needs had not changed. The adult services worker determined that the Department should continue to approve Petitioner to receive 66 hours and 34 minutes of HHS per month.
 6. On December 11, 2025, Petitioner contacted the adult services worker and asserted that the Department was not approving her for enough time for HHS.
 7. On December 15, 2025, the adult services worker contacted the Department's expanded HHS nurse for assistance. The adult services worker explained that Petitioner did not qualify for expanded HHS, but the adult services worker felt like it was necessary to have a nurse review Petitioner's case to ensure that the Department was approving Petitioner for the appropriate amount of time for HHS because Petitioner insisted that the Department was not approving her for enough time for HHS.
 8. On January 8, 2026, an expanded HHS nurse met with Petitioner and the adult services worker by phone to complete a new assessment. The expanded HHS nurse asked Petitioner questions about her need for assistance, and the expanded HHS nurse asked Petitioner about her spouse's availability and ability to provide services.
 9. On January 8, 2026, the expanded HHS nurse reviewed the information she obtained from her conversation with Petitioner together with the information in Petitioner's case. The information in Petitioner's case included case notes, Petitioner's medical needs form, and Petitioner's spouse's medical needs form.
 10. The expanded HHS nurse determined that Petitioner's spouse was a responsible relative who was available and able to provide some assistance for Petitioner. Although Petitioner's spouse had a medical needs form that indicated he needed assistance with personal care activities, the expanded HHS nurse determined that Petitioner's spouse's disability was limited in scope and duration, and it did not prevent Petitioner's spouse from being able to provide some services for Petitioner. The medical needs form indicated that Petitioner's spouse had a shoulder/neck injury and a hand/finger injury from a motor vehicle accident. The expanded HHS nurse determined that Petitioner's spouse was able to provide services for Petitioner other than those that involved heavy lifting.

11. The expanded HHS nurse assessed each activity of daily living and each instrumental activity of daily living, and the expanded HHS nurse determined Petitioner's need for assistance with each activity. The expanded HHS nurse determined that Petitioner needed 15 hours and 46 minutes of HHS per month.
12. The 15 hours and 46 minutes of HHS that the expanded HHS nurse determined that Petitioner needed consisted of the following time and task:
 - a. Bathing: 16 minutes each day at 4 days per week for a total of 4 hours and 35 minutes per month. The expanded HHS nurse noted that Petitioner reported she has flair ups of ankle pain an average of 4 days per week, and the flair ups make it difficult for Petitioner to get in and out of the tub. The expanded HHS nurse noted that Petitioner is able to complete all other bathing tasks such as washing and rinsing independently.
 - b. Dressing: no time approved. The expanded HHS nurse noted that Petitioner does not have any documented reason why she cannot dress herself, and Petitioner's spouse is able to assist Petitioner with dressing as it does not involve heavy lifting.
 - c. Grooming: no time approved. The expanded HHS nurse noted that Petitioner does not have any documented reason why she cannot groom herself, and Petitioner's spouse is able to assist Petitioner with grooming as it does not involve heavy lifting.
 - d. Mobility: 14 minutes each day at 4 days per week for a total of 4 hours per month. The expanded HHS nurse noted that Petitioner reported she has flair ups of ankle pain an average of 4 days per week, and the flair ups make it difficult for Petitioner to ascend and descend the stairs in her home.
 - e. Toileting: 25 minutes each day at 4 days per week for a total of 7 hours and 10 minutes per month. The expanded HHS nurse noted that Petitioner reported she has flair ups of ankle pain an average of 4 days per week, and the flair ups make it difficult for Petitioner to get to the bathroom to toilet. The expanded HHS nurse noted that Petitioner's HHS provider must bring a portable toilet to Petitioner and assist her.
 - f. Housework: no time approved. The expanded HHS nurse noted that Petitioner's spouse is able to complete housework.
 - g. Laundry: no time approved. The expanded HHS nurse noted that Petitioner's spouse is able to complete laundry.
 - h. Medication: no time approved. The expanded HHS nurse noted that Petitioner reported that she needed assistance with a TENS machine and

migraine injections. The expanded HHS nurse noted that Petitioner does not have any documented reason why she cannot complete these tasks herself, and Petitioner's spouse is able to assist Petitioner with her medications as they do not involve heavy lifting.

- i. Meal preparation: no time approved. The expanded HHS nurse noted that Petitioner's spouse is able to complete meal preparation.
 - j. Shopping for food/medications: no time approved. The expanded HHS nurse noted that Petitioner's spouse is able to complete shopping for food/medications.
 - k. Travel for shopping: no time approved. The expanded HHS nurse noted that Petitioner's spouse is able to complete shopping.
13. On January 9, 2026, the Department mailed a negative action notice to Petitioner to notify her that she was approved to receive 15 hours and 46 minutes of HHS per month, effective January 23, 2026.
14. 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.

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. Thus, the issue is whether the Department properly determined Petitioner's HHS eligibility.

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 and asked her about her need for assistance. The Department initially determined that Petitioner's needs had not changed, but Petitioner insisted that the Department did not approve her for enough HHS time, so the Department asked an expanded HHS nurse to review Petitioner's case. The expanded HHS nurse asked Petitioner about her need for assistance, and then the expanded HHS nurse reviewed the information she obtained from her conversation with Petitioner together with the information in Petitioner's case.

The expanded HHS nurse determined that Petitioner's spouse was a responsible relative who was available and able to provide services for Petitioner. When an HHS recipient has a responsible relative, HHS may only be authorized for the services or times when the responsible relative is unavailable or unable to provide care. ASM 130 (August 1, 2025), p. 2. A responsible relative includes an HHS recipient's spouse. *Id.* Unavailable means the responsible relative is absent from the home for an extended period of time due to employment, school, or other legitimate reasons. ASM 120 (October 1, 2025), pp. 7-8. Unable means the responsible relative has disabilities that are documented and verified by a medical professional that prevent him from providing care. *Id.* The expanded HHS determined that Petitioner's spouse was disabled, but his disability only prevented him from providing care that involved heavy lifting.

The expanded HHS nurse assessed each of Petitioner's activities of daily living and each of her instrumental activities of daily living, and the expanded HHS nurse determined Petitioner's need for assistance with each activity. The expanded HHS nurse determined that Petitioner only needed assistance with the activities that her spouse was unable to assist her with due to his disability. The expanded HHS nurse determined that Petitioner needed 15 hours and 46 minutes of HHS per month.

The Department completed Petitioner's comprehensive assessment in accordance with ASM 120. The Department properly determined that Petitioner's HHS hours should be reduced to 15 hours and 46 minutes of HHS per month, and Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Accordingly, the Department's decision to reduce Petitioner's HHS hours to 15 hours and 46 minutes per month is affirmed. If Petitioner's needs have changed, then 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**.