

ISSUE

Did the Department properly terminate Petitioner's Home Help Services (HHS)?

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 an HHS recipient. Petitioner was approved to receive HHS for bathing, housework, laundry, meal preparation, shopping for food/meds, and travel for shopping. Petitioner was not approved to receive HHS for any complex care services.
2. On June 9, 2025, an adult services worker visited Petitioner in his home to complete an assessment. The adult services worker observed Petitioner and asked him about his need for assistance. Petitioner reported that he occasionally used crutches in his home, but the adult services worker observed Petitioner walking in his home without his crutches. Petitioner reported that he was bathing independently. Petitioner reported that he still needed assistance with housework, laundry, meal preparation, and shopping. The adult services worker concluded that Petitioner did not have a need for hands-on assistance with at least one activity of daily living, and the adult services worker concluded that Petitioner did not need any complex care.
3. On June 9, 2025, the Department mailed a negative action notice to Petitioner to notify Petitioner that his HHS was going to be terminated, effective June 23, 2025, because he no longer needed hands-on assistance with any activities of daily living.
4. The Department failed to close Petitioner's HHS case effective June 23, 2025; the Department continued to keep Petitioner's HHS open and approve services.
5. Petitioner's HHS provider submitted electronic services verifications to the Department to verify the services that she performed for Petitioner. For July 2025, Petitioner's HHS provider reported that she only performed housework, laundry, meal preparation, shopping for food/meds, and travel for shopping. For August 2025, Petitioner's HHS provider reported that she only performed housework, laundry, meal preparation, shopping for food/meds, and travel for shopping. For September 2025, Petitioner's HHS provider reported that she only performed housework, laundry, meal preparation, shopping for food/meds, and travel for shopping.
6. On September 30, 2025, Petitioner's HHS provider stopped performing services for Petitioner; Petitioner has been without an HHS provider ever since.
7. On December 4, 2025, an adult services worker visited Petitioner in his home to complete an assessment. The adult services worker observed Petitioner and asked Petitioner about his need for assistance. The adult services worker observed

Petitioner walk in his home independently without any adaptive equipment. Petitioner reported that he only needed assistance with housework, laundry, meal preparation, and shopping. Petitioner did not report that he needed hands-on assistance with eating, toileting, bathing, grooming, dressing, transferring, or mobility. The adult services worker did not observe a need for hands-on assistance with eating, toileting, bathing, grooming, dressing, transferring, or mobility. Petitioner did not report that he needed assistance with any complex care services, and the adult services worker did not observe a need for assistance with any complex care services. The adult services worker concluded that Petitioner did not have a need for hands-on assistance with at least one activity of daily living, and the adult services worker concluded that Petitioner did not need any complex care.

8. On January 23, 2026, the Department mailed a negative action notice to Petitioner to notify Petitioner that his HHS was going to be terminated, effective February 6, 2026, because he no longer needed hands-on assistance with any activities of daily living.
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.

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 and ASM 155 (February 1, 2019), p. 1. In this case, the Department completed a periodic review of Petitioner's comprehensive assessment, and the Department terminated Petitioner's HHS as a result. Petitioner is disputing the Department's decision to terminate his HHS. Thus, the issue is whether the Department properly terminated Petitioner's HHS.

The Department met with Petitioner in his home on December 4, 2025, to complete a periodic review of Petitioner's comprehensive assessment. At the time, Petitioner had not had a HHS provider since September 30, 2025, and Petitioner had not received any services for ADLs since at least June 1, 2025. During the assessment on December 4, 2025, the Department observed Petitioner, and the Department asked Petitioner about his need for assistance. The Department observed Petitioner walk in his home independently without any adaptive equipment. Petitioner reported that he only needed assistance with housework, laundry, meal preparation, and shopping. Petitioner did not report that he needed hands-on assistance with eating, toileting, bathing, grooming, dressing, transferring, or mobility. The Department did not observe a need for hands-on assistance with eating, toileting, bathing, grooming, dressing, transferring, or mobility. Petitioner did not report that he needed assistance with any complex care services, and the Department did not observe a need for assistance with any complex care services. Based on all the information the Department gathered, the Department determined that Petitioner no longer had a need for hands-on assistance with at least one ADL or a need for complex care. Accordingly, the Department terminated Petitioner's HHS.

The Department updated Petitioner's comprehensive assessment in accordance with ASM 120, and the Department terminated Petitioner's HHS in accordance with ASM 170. Petitioner did not present sufficient evidence to establish that the Department's decision should be reversed. Therefore, the Department's decision to terminate Petitioner's HHS is affirmed.

DECISION AND ORDER

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

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