

## **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 lives with his mother and his adult brothers.
2. On January 8, 2026, Petitioner requested HHS from the Department.
3. On January 20, 2026, the Department received a medical needs form completed by Petitioner's medical provider, Dr. Alexandra Shaw. 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, dressing, eating, grooming, mobility, toileting, transferring, housework, laundry, medications, meal preparation, and shopping. Petitioner's medical provider also indicated that Petitioner needed the following complex care services: range of motion exercises and wound care.
4. On February 10, 2026, an adult services worker met with Petitioner in his home to complete a comprehensive assessment. Petitioner's proposed HHS provider was his mother, and she was present as well. The adult services worker observed Petitioner and asked about Petitioner's need for assistance. The adult services worker observed Petitioner eat a bowl of cereal without any assistance, and the adult services worker observed Petitioner stand up from a chair after eating and walk to his brother without any assistance. Petitioner's mother informed the adult services worker that Petitioner was legally blind, but he was capable of seeing shadows. Petitioner's mother informed the adult services worker that Petitioner was participating in Wind Lake Developmental Center from 9:00 a.m. to 2:30 p.m. Petitioner's mother reported that Petitioner needed assistance with bathing, dressing, eating, grooming, mobility, toileting, housework, laundry, medication, meal preparation, shopping, and travel for shopping. Petitioner was able to complete transferring independently. For toileting, Petitioner was only capable of urinating; Petitioner needed assistance with wiping and managing his clothing. For eating, Petitioner was capable of feeding himself; Petitioner needed assistance with cutting his food up. Petitioner completed range of motion exercises at Wind Lake Developmental Center, and Petitioner did not need wound care.
5. 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 57 hours and 32 minutes of HHS per month. The adult services worker prorated Petitioner's time for instrumental activities of

daily living (except medications) by one half because Petitioner was living in a household with other adults.

6. The 57 hours and 32 minutes of HHS that the adult services worker determined Petitioner should be approved for consisted of the following time and task:
  - a. Bathing: 18 minutes per day at 7 days per week for a total of 9 hours and 2 minutes per month.
  - b. Dressing: 16 minutes per day at 7 days per week for a total of 8 hours and 2 minutes per month.
  - c. Eating: 5 minutes per day at 7 days per week for a total of 2 hours and 30 minutes per month.
  - d. Grooming: 10 minutes per day at 7 days per week for a total of 5 hours and 1 minute per month.
  - e. Mobility: 5 minutes per day at 7 days per week for a total of 2 hours and 30 minutes per month.
  - f. Toileting: 10 minutes per day at 7 days per week for a total of 5 hours and 1 minute per month.
  - g. Housework: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.
  - h. Laundry: 49 minutes per day at 1 day per week for a total of 3 hours and 31 minutes per month.
  - i. Medications: 6 minutes per day at 7 days per week for a total of 3 hours and 1 minute per month.
  - j. Meal preparation: 25 minutes per day at 7 days per week for a total of 12 hours and 32 minutes per month.
  - k. Shopping for food/meds: 35 minutes per day at 1 day per week for a total of 2 hours and 30 minutes per month.
  - l. Travel for shopping: 12 minutes per day at 1 day per week for a total of 52 minutes per month.
7. On February 20, 2026, the Department mailed a services approval notice to Petitioner to notify him that he was approved to receive 57 hours and 32 minutes of HHS per month, effective February 10, 2026.

8. Petitioner disagreed with the amount of time that the Department approved, so Petitioner requested a hearing to dispute the Department's decision.
9. On March 12, 2026, the adult services worker reviewed Petitioner's case.
10. On March 17, 2026, the adult services worker spoke with Petitioner's mother to update Petitioner's assessment. Petitioner's mother provided additional information about Petitioner's need for assistance with toileting and laundry. Petitioner's mother informed the adult services worker that Petitioner sometimes needs assistance with urinating because he does not keep his penis positioned to urinate in the commode on his own. Petitioner's mother informed the adult services worker that someone has to reposition Petitioner's penis so that he urinates in the commode, which usually takes a couple seconds to complete each time. Petitioner's mother also informed the adult services worker that Petitioner sometimes accidentally urinates himself due to sensory issues. Petitioner's mother reported that someone has to help Petitioner shower and change his clothes when he accidentally urinates himself. Petitioner's mother informed the adult services worker that she does Petitioner's laundry separately due to his accidents.
11. The adult services worker determined that Petitioner's time for toileting and laundry should be increased based on the additional information Petitioner's mother provided during March 17, 2026, phone call. The adult services worker determined that Petitioner's time for toileting should be increased because Petitioner sometimes needs assistance while urinating. The adult services worker determined that Petitioner's time for laundry should not be prorated because Petitioner's laundry is completed separately due to his accidents. The adult services worker determined that Petitioner's time for toileting should be increased to 15 minutes per day at 7 days per week for a total of 7 hours and 31 minutes per month, and the adult services worker determined that Petitioner's time for laundry should be increased to 1 hour and 38 minutes per day at 1 day per week for a total of 7 hours and 1 minute per month.
12. On March 23, 2026, the Department mailed a services increase approval notice to Petitioner to notify him that he was approved to receive 63 hours and 34 minutes of HHS per month, effective March 1, 2026.
13. Petitioner still disagreed with the amount of time that the Department approved.

### **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 57 hours and 32 minutes of HHS per month, effective February 10, 2026. However, the Department then reviewed Petitioner's case and determined that Petitioner's HHS time should be increased to 63 hours and 34 minutes of HHS per month, effective March 1, 2026. 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 supervising, monitoring, reminding, guiding, teaching, or encouraging. ASM 101 (April 1, 2018), pp. 4-5.

The Department cannot approve HHS for services provided for the benefit of people other than the client. *Id.* The Department must prorate time for all instrumental activities of daily living (IADLs) other than medications by one half when the client lives in a home with other adults. ASM 120 at 6-7. Those activities known as IADLs are housework, laundry, medications, meal preparation, and shopping. ASM 120 at 3. If the Department clearly documents that an IADL is completed separately for the client from other adults in the home, then the Department does not need to prorate the IADL. *Id.*

The Department met with Petitioner and his mother in Petitioner's home to complete a comprehensive assessment. The Department interviewed Petitioner's mother, 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. The Department allocated time for each task that Petitioner needed at least some human assistance with, and the Department prorated Petitioner's time for IADLs (except medications). The Department determined that Petitioner needed 57 hours and 32 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 properly determined that Petitioner should be approved for 57 hours and 32 minutes of HHS per month.

Subsequently, the Department reviewed Petitioner's case and spoke with Petitioner's mother again. Petitioner's mother provided additional information about Petitioner's need for assistance with toileting and laundry. Based on the additional information, the Department determined that Petitioner's time for toileting should be increased because Petitioner sometimes needed assistance while urinating, and Petitioner's time for laundry should not be prorated because Petitioner's laundry was being completed separately due to his accidents. The Department determined that Petitioner's time for toileting should be increased to 15 minutes per day at 7 days per week for a total of 7 hours and 31 minutes per month, and the Department determined that Petitioner's time for laundry should be increased to 1 hour and 38 minutes per day at 1 day per week for a total of 7 hours and 1 minute per month. These changes increased Petitioner's HHS time to 63 hours and 34 minutes per month.

The Department updated 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 properly determined that Petitioner should be approved for 63 hours and 34 minutes of HHS per month. If Petitioner's needs have changed, Petitioner may notify the Department and request another 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**.

