

**Department of Community Health  
Medicaid Fair Hearing Decisions  
Elderly and Disabled Waiver**

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
1. 01-3098EDW	8-28-01	Kershul	Unknown	Affirmed-Kershul ruled he did not have authority to allocate more slots for MI-Choice Waiver.
2. 01-3059EDW	8-24-01	Kershul	Valley Area on Aging	Kershul upheld Department's decision that Appellant is not eligible for Waiver services based on the fact that Appellant cannot live safely outside nursing home.
3. 01-3336EDW	10-01-01	Kershul	Senior Alliance	Affirmed-Kershul ruled he did not have authority to allocate more slots for MI-Choice Waiver.
4. 01-2871EDW	12-03-01	Ketner	Unknown-Area Agency on Aging	Ketner upheld Department's decision to deny lift chair based on fact that no medical evidence was submitted relating to current lift chair.
5. 01-3214EDW	12-03-01	Ketner	Senior Alliance	Affirmed-Ketner ruled that the number of hours of care per week were appropriate
6. 01-3402EDW	12-03-01	Ketner	A&D Home Health Care	Affirmed-Ketner ruled that termination of waiver services was appropriate based on the fact that it is the responsibility of the waiver agency to identify and secure another provider, which Appellant refused.
7. 01-3048EDW	12-03-01	Ketner	Area Agency on Aging UPCAP Services, Inc.	Affirmed-Ketner ruled that Appellant's eligibility for the waiver was properly terminated based on medical condition, testimony and MIChoice evaluation.
8. 01-2618EDW	10-16-01	Ketner	MORC, Inc.	Affirmed-Ketner ruled that that Department had properly determined appropriate level of care
9. 00-1762EDW	12-20-00	Ketner	Region VII Area Agency on Aging	Affirmed-Ketner ruled that the waiver contractor properly determined the appropriate level of assistance Appellant required
10. 001841EDW	12-05-00	Ketner	Region VII Area Agency on Aging	Reversed-Ketner ruled that Department incorrectly proposed reduction of the Appellant's waiver services

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>11.</b> 00-1580EDW	10-30-00	Ketner	Region VII Area Agency on Aging	Reversed-Ketner ruled that the proposed reductions in the amount of waiver services authorized are not supported by the Department's testimony and documentation.
<b>12.</b> 01-0346EDW	12-28-00	Ketner	Region VII Area Agency on Aging	Affirmed-Ketner ruled that the Department properly determined that the Appellant was no longer eligible for MIChoice waiver services due to medical eligibility requirements.
<b>13.</b> 99-0919EDW	12-06-99	Ketner	Area Agency on Aging	Affirmed-Ketner ruled that the Department acted properly in terminating Appellant's waiver services because he no longer met the medical requirements.
<b>14.</b> 99-1010EDW	12-28-99	Ketner	Area Agency on Aging	Affirmed-Ketner ruled that Department properly refused to authorize payment and that the local FIA issued a insufficient notice closing Home Help Services. He also ruled that the Department shall reinstate Appellant's Home Help Services and the Appellant be disenrolled from Edwaiver
<b>15.</b> 99-1262EDW	12-21-99	Ketner	Area Agency on Aging	Affirmed-Ketner ruled that in the absence of a provider agreement between the provider and Area Agency on Aging, payment could not be made
<b>16.</b> 99-0043EDW	11-10-99	Ketner	Area Agency on Aging	Reversed-Ketner ruled that PASARR's determination that Appellant is eligible for nursing home placement is binding and that Area Agency on Aging cannot find her ineligible for waiver services on the basis that Appellant does not require a nursing home placement or level of care.
<b>17.</b> 99-0130EDW	3-8-99	Ketner	Unknown	Affirmed-Ketner ruled that the Department properly closed Appellant's waiver case and terminated services due to medical eligibility.
<b>18.</b> 00-0207EDW	2-8-00	Ketner	Unknown	Affirmed-Eligibility criteria
<b>19.</b> 00-0279EDW	3-20-00	Kershul	Unknown	Affirmed-Kershul ruled that Department properly terminated waiver services due to Appellant moving from service area

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
20. 00-0512EDW	3-29-00	Kershul	Area Agency on Aging of Western Michigan	Affirmed-Medical requirements
21. 00-0541EDW	6-5-00	Kershul	A&D Home Health Care, Inc.	Reversed-Kershul ruled that appellant is to continue to receive waiver services from A&D Home Health Care in the form of respite attendant care and home making services
22. 00-0623EDW	7-14-00	Ketner	MORC Inc.	Affirmed-Ketner ruled that that the Department properly denied request for enrollment because Appellant did not require a nursing facility level of care.
23. 01-2249EDW	5-30-01	Ketner	Senior Alliance	Affirmed-Ketner ruled that he did not have authority to allocate additional waiver slots
24. 01-2141EDW	5-30-01	Ketner	Senior Alliance	Affirmed-Ketner ruled that he did not have authority to allocate additional waiver slots
25. 01-2158EDW	5-30-01	Ketner	Senior Alliance	Affirmed-Ketner ruled that he did not have authority to allocate additional waiver slots
26. 01-1502EDW	6-18-01	Kershul	Region 14 Area Agency on Aging	Affirmed-Kershul ruled that the Department acted properly based on the fact that the Appellant did not require a nursing home level of care or any nursing services
27. 00-1275EDW	12-28-00	Ketner	MORC, Inc.	Affirmed-Ketner ruled that the waiver contractor properly followed Department policy in accessing the needs of the Appellant
28. 00-1532EDW	10-31-00	Kershul	Region VII Area Agency on Aging	Reversed-Kershul ruled that respite care is to be reinstated at 42 hours per week
29. 01-1045EDW	No decision date, hearing date 2-8-01	Kershul	Area Agency on Aging Northwest Michigan	Affirmed-Kershul ruled that the Department properly set the services level
30. 01-0021EDW	12-28-00	Ketner	Oscoda County Northern Michigan Regional Health System	Affirmed-Ketner ruled that the FIA correctly computed Appellant's gross income to determine ineligibility of waiver services

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
31. 01-0052EDW	12-28-00	Ketner	Senior Alliance	Reversed-Ketner ruled that the premium subsidy payment is excluded from income in computing eligibility for waiver services and that Appellant's gross income at the time of application for waiver services was \$1476.86 per month.
32. 00-1585EDW	10-13-00	Kershul	Region VII Area Agency on Aging	Affirmed-Kershul ruled that the Department properly reduced the respite care hours for the Appellant
33. 00-1508EDW	10-30-00	Ketner	Region VII Area Agency on Aging	Reversed-Ketner ruled that the Department should not reduce the level of waiver services provided prior to the July 2000 assessment.
34. 00-0876EDW	11-21-00	Ketner	Region 2 Area Agency on Aging	Affirmed-Ketner ruled that the record supports the waiver contractor's determination of April 20, 2000.
35. 01-0569EDW	2-23-01	Ketner	Tri-County Office on Aging	Affirmed-Ketner ruled that the waiver contractor properly disqualified the provider due to the waiver contractors concerns about the health and safety of the Appellant
36. 00-1341EDW	3-27-01	Ketner	Washtenaw County CMH	Affirmed-Ketner ruled that the waiver agent properly determined the level of service
37. 01-1504EDW	3-22-01	Kershul	Tri-County Office on Aging	Affirmed-Kershul ruled that the Department acted properly in determining that the Appellant did not require a nursing home level of care or any nursing services
38. 00-0282EDW	3-3-00	Jacobs	Region IV Area Agency on Aging	Reversed-Jacobs ruled that the number of respite hours provided to the Appellant shall continue at the prior rate
39. 00-1740EDW	11-17-00	Kerhul	Region VII Area Agency on Aging	Reversed-Kershul ruled that the Department should not reduce the level of waiver services provided prior to the August 2000 assessment
40. 01-2310EDW	8-3-01	Ketner	NEMSCA Case Management	Affirmed- Ketner ruled that the Department properly determined that Appellant no longer met the medical criteria for eligibility for waiver services

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
41. 01-2356EDW	8-3-01	Ketner	Region II Area Agency on Aging	Affirmed-Ketner ruled that the Department properly denied the Appellant's request for the payment of Procarin
42. 01-3595EDW	4-11-02	Ketner	MORC, Inc.	Affirmed. Appellant did not meet the criteria for MIChoice Waiver
43. 01-2958EDW	4-2-02	Ketner	Valley Area Agency on Aging	Affirmed. Appellant did not meet the criteria for MIChoice Waiver
44. 02-0144EDW	3-27-02	Ketner	Region IV Area Agency on Aging	Affirmed. Department properly terminated Appellant's enrollment in the MIChoice Waiver
45. 02-0230EDW	6-19-02	Ketner	Area Agency on Aging Northwest Michigan	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
46. 02-0466EDW	6-19-02	Ketner	Valley Area Agency on Aging	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
47. 02-0545EDW	6-19-02	Ketner	Area Agency on Aging 1B	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
48. 02-0550EDW	4-5-02	Ketner	Burnham Brook Center	Affirmed. Department properly terminated MIChoice eligibility as Appellant no longer met medical eligibility criteria
49. 02-0625EDW	4-15-02	Ketner	Region VII Area Agency on Aging	Affirmed. Department properly terminated MIChoice eligibility as Appellant no longer met medical eligibility criteria
50. 02-0780EDW	6-19-02	Ketner	Senior Resources	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
51. 02-0852EDW	4-5-02	Ketner	Region II Area Agency on Aging	Substantiated. Waiver agency cannot reduce services before it provides advance notice.
52. 02-0857EDW	4-24-02	Ketner	U.P. Area Agency on Aging	Affirmed. Appellant did not require a nursing facility level of care at the time of the assessment or hearing
53. 02-1001EDW	4-15-02	Ketner	U.P. Area Agency on Aging	Affirmed. Appellant did not meet waiver eligibility criteria based upon a screening conducted
54. 02-1139EDW	4-19-02	Ketner	Tri-County Office on Aging	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>55.</b> 02-1158EDW	6-19-02	Ketner	Region II Area Agency on Aging	Affirmed. Department properly proposed termination of counseling services through the waiver
<b>56.</b> 02-1814EDW	3-27-02	Kershul	Tri-County Office on Aging	Affirmed. ALJ does not have the authority to allocate more funds to a region or contractor and cannot order a contractor to enroll an individual into the MIChoice Waiver if no sufficient waiver funds are available in that region or assigned to a contractor
<b>57.</b> 02-2210EDW	6-19-02	Ketner	Lifeways	Substantiated. Lifeways proposed reduction in services was in error.
<b>58.</b> 02-2356EDW	6-19-02	Ketner	Lifeways	Substantiated. Lifeways proposed reduction in services was in error.
<b>59.</b> 02-2452EDW	6-19-02	Ketner	Lifeways	Substantiated. Lifeways proposed reduction in services was in error.
<b>60.</b> 02-2619EDW	6-19-02	Ketner	Area Agency on Aging 1B	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
<b>61.</b> 02-3185EDW	6-19-02	Ketner	Valley Area Agency on Aging	Affirmed. Department properly refused to screen, evaluate and enroll Appellant in MIChoice Waiver
<b>62.</b> 02-3243EDW	6-14-02	Jacobs	MORC	Affirmed. Department properly terminated services as Appellant did not meet the requirements of the Medicaid Waiver program
<b>63.</b> 02-0856EDW	2-25-02	Kershul	Area Agency on Aging Northwest Michigan	Affirmed. Current level of transportation under the MIChoice Waiver was sufficient to prevent the nursing home placement of the Appellant
<b>64.</b> 02-0517EDW	2-25-02	Kershul	Region 9 Area Agency on Aging	Affirmed. Current level of homemaker service hours was sufficient to prevent the nursing home placement of the Appellant
<b>65.</b> 02-0483EDW	2-25-02	Kershul	Region 9 Area Agency on Aging	Affirmed. Current level of MIChoice service hours was sufficient to prevent the nursing home placement of the Appellant

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>66.</b> 02-0253EDW	12-14-01	Kershul	Area Agency on Aging	Affirmed. ALJ does not have the authority to allocate more funds to a region or contractor and cannot order a contractor to enroll an individual into the MIChoice Waiver if no sufficient waiver funds are available in that region or assigned to a contractor
<b>67.</b> 02-1200EDW	2-25-02	Kershul	U.P. Area Agency on Aging UPCAP Services, Inc.	Substantiated. Waiver agency cannot reduce services before it provides advance notice
<b>68.</b> 02-0316EDW	12-14-01	Kershul	Area Agency on Aging	Affirmed. ALJ does not have the authority to allocate more funds to a region or contractor and cannot order a contractor to enroll an individual into the MIChoice Waiver if no sufficient waiver funds are available in that region or assigned to a contractor
<b>69.</b> 02-0833EDW	2-25-02	Kershul	U.P. Area Agency on Aging UPCAP Services, Inc.	Affirmed. ALJ does not have the authority to allocate more funds to a region or contractor and cannot order a contractor to enroll an individual into the MIChoice Waiver if no sufficient waiver funds are available in that region or assigned to a contractor
<b>70.</b> 02-0037EDW	3-12-02	Ketner	The Senior Alliance	Affirmed. Department properly determined the level of assistance authorized through the MIChoice Waiver
<b>71.</b> 02-0463EDW	1-22-02	Kershul	Area Agency on Aging 1B	Affirmed. ALJ does not have the authority to allocate more funds to a region or contractor and cannot order a contractor to enroll an individual into the MIChoice Waiver if no sufficient waiver funds are available in that region or assigned to a contractor
<b>72.</b> 02-3042EDW	12-28-01	Kershul	Region 9 Area Agency on Aging	Affirmed. Department acted properly in denying hand controls for the Appellant's automobile in that hand controls are not medically necessary to prevent the Appellant from requiring a nursing facility level of care.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>73.</b> 02-1602EDW	08-07-02	Ketner	Area Agency on Aging 1B	Affirmed. Waiver agent's denial of additional hrs. was proper. FIA is responsible for determining eligibility for HHS and # of hrs. of HHS to provide for hands on personal care.
<b>74.</b> 02-1087 EDW		Ketner	Department's Waiver agent	Affirmed. Department properly proposed termination of MIChoice waiver enrollment.
<b>75.</b> 02-2376 EDW	07-15-02	Ketner	Department	Affirmed. Department properly proposed termination of MIChoice waiver enrollment.
<b>76.</b> 02-2795 EDW	07-15-02	Ketner	MORC	Affirmed. The properly proposed reduction of services but erred in finding that the Appellant continued to be medically eligible for MIChoice Waiver.
<b>77.</b> 02-2642 EDW	07-15-02	Ketner	MORC	Affirmed. Department properly proposed termination of MIChoice Waiver enrollment.
<b>78.</b> 02-2374 EDW	07-15-02	Ketner	Area Agency on Aging NW MI	Reversed. Department erred in proposing the reduction of services through the waiver.
<b>79.</b> 02-2450 EDW	07-15-02	Ketner	MORC	Affirmed. Department properly proposed termination of MIChoice waiver enrollment.
<b>80.</b> 02-2453 EDW	06-19-02	Ketner	Health Options	Reversed. Department erred in terminating all MIChoice Waiver services.
<b>81.</b> 02-2643 EDW	07-15-02	Ketner	MORC	Affirmed. The properly proposed reduction of services but erred in finding the Appellant continued to be medically eligible for the MIChoice Waiver.
<b>82.</b> 02-1947 EDW	07-15-02	Ketner	Area Agency on Aging NW MI	Personal care provided is a State Plan service and can't be provided through any Home and Community Based Waiver, incl. MIChoice.
<b>83.</b> 02-4116 EDW	07-26-02	Jacobs	Area Agency on Aging 1B	Affirmed. Denial of enrollment in waiver program was proper.
<b>84.</b> 02-165 EDW	06-19-02	Ketner	Region IV Area Agency on Aging	Reversed. Waiver agency didn't sufficiently support the reduction of services it proposed.
<b>85.</b> 02-2186 EDW	06-19-02	Ketner	Area Agency on Aging NW MI	Reversed. Waiver agent improperly proposed reduction of services.
<b>86.</b> 02-6476EDW	11-12-02	Harrison	Area Agency on Aging 1B	Reversed. Appellant shall be enrolled in the MICHOICE waiver program.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>87.</b> 02-1915EDW	05-02-02	Kershul	Area Agency on Aging Region II	Affirmed. The Department properly denied 8 hours of additional care under the MIChoice Waiver.
<b>88.</b> 02-1806EDW	06-25-02	Kershul	Area Agency on Aging 1B	The Department's Decision is to provide 8 Hours of MIChoice waiver services is affirmed.
<b>89.</b> 02-3853EDW	06-20-02	Kershul	Area Agency on Aging Region II	Terminate Appellant's spouse a paid caregiver is affirmed and the agency will provide the appellant with an accessible shower.
<b>90.</b> 02-3856EDW	06-13-02	Kershul	Area Agency on Aging Region II	Affirmed. the agency properly proposed to reduce MIChoice waiver services to the appellant.
<b>91.</b> 02-5168EDW	08-12-02	Jacobs	Department	Affirmed. Appellant does not qualify for MIChoice Waiver services.
<b>92.</b> 02-5490EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed. Reduce services on the basis that they are MI Medicaid State Plan and not to be provided by a waiver agent. Eligibility for waiver to be reviewed.
<b>93.</b> 02-6043EDW	10-28-02	Harrison	Northeast Mi Community Service Agency	Affirmed. Department properly determined the services must be terminated and not eligible for MIChoice Wiaver.
<b>94.</b> 02-4968EDW	11-06-02	Kershul	Region II Area Agency on Aging	Decision to reduce services is reversed and MIChoice services are to continue 6 hrs, 5 days wk
<b>95.</b> 02-6359EDW	10-31-02	Kershul	Area Agency on Aging 1B	Affirmed denial of MIChoice Waiver enrollment; does not meet eligibility requirements.
<b>96.</b> 02-5461EDW	11-27-02	Jacobs	Region IV Area Agency on Aging	Affirmed does not meet eligibility criteria for waiver anymore. No support for nursing home level of care.
<b>97.</b> 02-4369EDW	11-26-02	Jacobs	Region II Area Agency on Aging	Affirmed reduction in services, as the services are not provided by waiver agent. No indication for need of skilled services. Eligibility to be reviewed.
<b>98.</b> 02-1612EDW	10-17-02	Kershul	Area Agency on Aging 1B	Affirmed proper denial of MIChoice waiver enrollment. Appellant does not require nursing facility level of care.
<b>99.</b> 02-2986EDW	10-18-02	Kershul	Area Agency on Aging 1B	Affirmed proper limitation of MIChoice waiver services.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>100.</b> 02-5006EDW	10-18-02	Kershul	Region II Area Agency on Aging	Affirmed proper proposal to reduce MIChoice waiver services.
<b>101.</b> 03-0087EDW	11-27-02	Ketner	Area Agency on Aging 1B	Affirmed proper decline to enroll into waiver due to federal limitations placed on the number of beneficiaries the waiver may serve.
<b>102.</b> 02-503.7EDW	09-17-02	Jacobs	Macomb-Oakland Regional Center	Affirmed Appellant does not qualify for Home and Community Based Services for the Elderly and Disabled waiver program.
<b>103.</b> 02-5140EDW	09-17-02	Missing page	Area Agency on Aging 1B	Missing page.....
<b>104.</b> 03-0139EDW	11-27-02	Ketner	Area Agency on Aging 1B	Affirmed proper denial of enrollment in MIChoice waiver due to federal limitations on the number of individuals to be served during current waiver yr.
<b>105.</b> 02-2019EDW	10-17-02	Kershul	Senior Resources	Affirmed proper proposal to reduce MIChoice waiver services.
<b>106.</b> 02-5441EDW	10-18-02	Kershul	Valley Area Agency on Aging	Affirmed proper denial of MIChoice waiver enrollment. Appellant does not require nursing facility level of care.
<b>107.</b> 02-5029EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed agent to reduce services on the basis that they are not provided by the waiver agent and no indication for need of skilled services.
<b>108.</b> 02-5732EDW	09-27-02	Jacobs	Area Agency on Aging 1B	Affirmed that the state is not allowed to enroll people who are not in a nursing home in the waiver.
<b>109.</b> 02-4141EDW	10-22-02	Kershul	Region II Area Agency on Aging	Reversed. Appellant is to receive 70 hours of MIChoice services per week effective 05-28-02.
<b>110.</b> 02-2418EDW	10-18-02	Kershul	Area Agency on Aging 1B	Department improperly determined Appellant to be medically eligible to enroll in the MIChoice waiver.
<b>111.</b> 02-5701EDW	09-27-02	Jacobs	Area Agency on Aging 1B	Affirmed proper refusal to evaluate and enroll in MIChoice waiver.
<b>112.</b> 02-5326EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed agent to reduce services, as they are not provided by a waiver agent. No indication for need for skilled services.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>113.</b> 02-5327EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed reduction in services, as they are not provided by a waiver agent. No indication for need for skilled services.
<b>114.</b> 02-3174EDW	10-18-02	Kershul	Macomb-Oakland Regional Center	Affirmed proper proposal to reduce MIChoice waiver services.
<b>115.</b> 02-5918EDW	10-25-02	Kershul	Area Agency on Aging 1B	Affirmed proper denial of MIChoice waiver enrollment.
<b>116.</b> 02-4342EDW	11-27-02	Jacobs	Region II Area Agency on Aging	Affirmed proper proposal to reduce MIChoice wavier service. No indication for need for skilled services.
<b>117.</b> 02-3839EDW	11-27-02	Jacobs	Senior Resources	Affirmed reduction in services. No indication for need of skilled services. Eligibility for waiver to be reviewed.
<b>118.</b> 02-1279EDW	11-20-02	Kershul	Area Agency on Aging 1B	Affirmed proper denial of services under the MIChoice waiver, albeit for the wrong reason.
<b>119.</b> 02-5972EDW	11-27-02	Ketner	Northeast Michigan Community Service Agency	The waiver agent is to restore waiver eligibility and the services it terminated due to its failure to appear and present its case at duly noticed hearing.
<b>120.</b> 03-0074EDW	12-03-02	Harrison	Region II Area Agency on Aging	Affirmed, in part. AAA erred in authorizing personal care services to Appellant that are available under MSP; AAA properly determined the hours for personal care supervision.
<b>121.</b> 02-3840EDW	10-18-02	Kershul	Macomb-Oakland Regional Center	Affirmed proper propoal of termination of MIChoice waiver enrollment.
<b>122.</b> 02-5164EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed reduction in services, as they are not to be provided by waiver agent. No indication of need for skilled services. Eligibility for waiver to be reviewed.
<b>123.</b> 02-5343EDW	11-27-02	Jacobs	Region II Area Agency on Aging	Affirmed reduction in services, as they are not to be provided by waiver agent. No indication of need for skilled services. Eligibility for waiver to be reviewed.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>124.</b> 02-4353EDW	11-27-02	Jacobs	Region II Area Agency on Aging	Affirmed reduction in services, as they are not to be provided by waiver agent. No indication of need for skilled services. Eligibility for waiver to be reviewed.
<b>125.</b> 02-3156EDW	10-18-02	Kershul	Area Agency on Aging 1B	Affirmed proper proposal to reduce services.
<b>126.</b> 02-2416EDW	10-22-02	Kershul	Area Agency on Aging 1B	Affirmed proper proposal to reduce services.
<b>127.</b> 02-5329EDW	11-27-02	Jacobs	Macomb-Oakland Regional Center	Affirmed reduction in services, as they are not to be provided by waiver agent. No indication of need for skilled services. Eligibility for waiver to be reviewed.
<b>128.</b> 02-1548EDW	?	Kershul	Region IV Area Agency on Aging	Reversed for improper reduction in MIChoice services. Appellant is to receive 49 hrs. per wk. Effective 02-01-02.
<b>129.</b> 02-5983EDW	11-22-02	Harrison	Area Agency on Aging 1B	Reversed. Appellant is to be placed in MIChoice wavier program. Found 6 waiver vacancies.
<b>130.</b> 02-3148EDW	10-18-02	Kershul	Macomb-Oakland Regional Center	Affirmed proper proposal to reduce MIChoice waiver services.
<b>131.</b> 2005-3420EDW	10-6-05	Meyer		Beneficiary is eligible for the MIChoice Waiver.
<b>132.</b> 2005-4021EDW	10-18-05	Malewska		Affirmed the termination of MIChoice for failing to meet the eligibility criteria on FD LOC reassessment.
<b>133.</b> 2005-2736EDW	7-8-05	Gigliotti		MIChoice Waiver Agency properly denied assessment of the appellant.
<b>134.</b> 2005-2726EDW	8-11-05	Goldstein		Judge said the denial of the beneficiary's requested three hour increase in services was improper.
<b>135.</b> 2005-3492EDW	9-13-05	Ketner		Decision reversed. AAA did not provide sufficient credible evidence to support its reduction of homemaking services.
<b>136.</b> 2005-3523EDW	9-14-05	Gigliotti		Reversed. Beneficiary's reduction of benefits was not proper.
<b>137.</b> 2005-3509EDW	9-14-09	Gigliotti		Reversed. Beneficiary's services were improperly reduced.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
138. 2005-3624EDW	10-12-05	Meyer		Personal care and homemaker services will remain at 1 hour per day and 3 hours per day, four days a week. Respite care is reduced from 8 hours to 4 hours each Thursday.
139. 2005-3216EDW	8-1-05	Gigliotti		AAA properly determined that beneficiary was no longer eligible for MIChoice waiver.
140. 2005-4051EDW	10-13-05	Meyer		Not eligible for MIchoice Waiver.
141. 20005-3515EDW	9-7-05	Ketner		Waiver services were improperly reduced. AAA did not provide sufficient credible evidence to support its reduction of services.
142. 2005-3627EDW	9-19-05	Snider		Beneficiary was properly placed on the MIChoice waiting list so he can be properly assessed.
143. 2005-3048EDW	8-2-05	Snider		AAA properly found that the beneficiary had not been assessed properly and
144. 2005-3510EDW	9-9-05	Gigliotti		AAA improperly reduced the person's benefit. There is a medical necessity for the current amount of respite services.
145. 2005-3722EDW	9-16-05	Gigliotti		Beneficiary's eligibility determination case was properly closed.
146. 2005-3522EDW	10-14-05	Snider		Judge said the agencies determination to put the beneficiary on the waiting list was proper.
147. 2005-3285EDW	8-8-05	Gigliotti	AAA	Reversed. AAA did not properly eliminate beneficiary's respite services.
148. 2005-3288	9-8-05	Ketner	AAA	AAA did not provide sufficient credible evidence to support the reduction in homemaking services.
149. 2005-3621EDW	9-13-05	Ketner		Reversed. Homemaking services were improperly reduced.
150.2005- 3728EDW	9-23-05	Ketner	AAA	AAA's decision to reduce appellant's MI Choice homemaking services was not proper- decision reversed. AAA did not provide sufficient, credible evidence to support its reduction in services.
151.2005-3257EDW	8-1-05	Gigliotti		AJL properly determined that appellant was no longer eligible for the MIChoice Waiver.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>152.</b> 2005-3518EDW	9-9-05	Ketner		ALJ reversed. Decided that appellant's benefits were improperly reduced – "the AAA may not deny services based on 'budgetary constraints' if there is a medical need for those services."
<b>153.</b> 2005-3634EDW	9-13-05	Ketner		ALJ reversed the reduction of benefits and said that the appellant's need for medically necessary services had increased, not decreased.
<b>154.</b> 2005-3511EDW	9-9-05	Ketner		ALJ reversed the reduction of benefits because there was no evidence that a reduction was necessary.
<b>155.</b> 2005-3732EDW	9-23-05	Gigliotti		ALJ affirmed the decision that appellant is not eligible for the MIChoice waiver.
<b>156.</b> 2005-3516	9-6-05	Gigliotti		ALJ found that the MIChoice waiver was improperly reduced, and appellant should still get Saturday and Sunday services. No evidence was presented re: any informal caregivers on the weekend.
<b>157.</b> 2005-3423EDW	9-8-05	Ketner		ALJ reversed the decision to reduce MIChoice homemaking services.
<b>158.</b> 2005-3498EDW	9-9-05	Ketner		ALJ reversed the decision to reduce appellant's services, especially since she has no informal support at all.
<b>159.</b> 2005-3497EDW	9-14-05	Gigliotti		ALJ reversed the decision to reduce appellant's MIChoice waiver on the basis that the services are medically necessary.
<b>160.</b> 2005-3811EDW	9-23-05	Ketner		ALJ reversed the decision to reduce MIChoice waiver saying that appellant still needs respite care and sufficient credible evidence was not offered to the contrary.
<b>161.</b> 2005-4054EDW	10-31-05	Goldstein		ALJ affirmed the decision that appellant is not eligible for the MIChoice waiver.
<b>162.</b> 2005-2824/2823EDW	7-26-05	Gigliotti		ALJ affirmed the decision to reduce service hours based on the amount of informal care they already receive.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>163.</b> 2005-3286EDW	8-15-05	Snider		ALJ reversed the decision to reduce appellant's MIChoice waiver respite services.
<b>164.</b> 2005-2731EDW	8-3-05	Meyer		ALJ affirmed that decision that the appellant is ineligible for the MIChoice Waiver.
<b>165.</b> 2005-3408EDW	9-7-05	Gigliotti		ALJ reversed the decision to reduce the appellant's MIChoice waivers. Appellant is at the end stage of Alzheimer's and just had a stroke –the services are medically necessary.
<b>166.</b> 2005-3520EDW	9-14-05	Gigliotti		ALJ found that the services were improperly reduced and appellant still needs homemaking services, especially since no evidence/witnesses were produced to support the reduction.
<b>167.</b> 2005-3813EDW	9-26-05	Gigliotti		ALJ affirmed the decision that appellant is no longer eligible for the MIChoice waiver.
<b>168.</b> 2005-4107EDW	11-7-05	Snider		ALJ affirmed the decision that appellant is not eligible for the MIChoice waiver – not financially eligible.
<b>169.</b> 2005-3062EDW	8-2-05	Snider		ALJ affirmed the decision to reduce Appellant's personal care hours AND transportation miles.
<b>170.</b> 2005-2839EDW	8-22-05	Goldstein		ALJ affirmed the decision to deny the appellant acceptance in the MIChoice waiver.
<b>171.</b> 2005-3521EDW	9-7-05	Ketner		ALJ reversed the decision to reduce appellant's services. No sufficient, credible evidence to reduce.
<b>172.</b> 2005-3493EDW	9-6-05	Gigliotti		ALJ reversed the decision that appellant is not eligible for the MIChoice waiver – she needs medical care and assistance on a daily basis, including weekends.
<b>173.</b> 2005-3466EDW	9-19-05	Snider		ALJ reversed the decision to reduce appellant's MIChoice waiver services – further ordered that there should be 24 hours per week of service.
<b>174.</b> 2005-3833EDW	10-12-05	Meyer		ALJ affirmed the decision to terminate the appellant's MIChoice waiver services.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>175.</b> 2005-3660EDW	9-13-05	Ketner		ALJ affirmed the decision that the appellant could not be assessed for the MIChoice program – services are limited and she is on a waiting list.
<b>176.</b> 2005-3496EDW	9-13-05	Gigliotti		ALJ reversed the decision to reduce the appellant’s services because of the level of medical need.
<b>177.</b> 2005-3415 EDW	9-9-05	Ketner		ALJ reversed the decision to reduce appellant’s MIChoice waiver services.
<b>178.</b> 2005-3635EDW	10-12-05	Meyer		ALJ reversed the decision to reduce appellant’s benefits. The evidence clearly demonstrated appellant’s need for homemaker services.
<b>179.</b> 2005-3525EDW	9-9-05	Ketner		ALJ reversed the decision to reduce appellant’s MIChoice waiver services. Appellant’s informal caregivers cannot provide as much assistance as is needed.
<b>180.</b> 2005-3841EDW	9-23-05	Meyer		ALJ affirmed the decision to deny petitioner’s request to be evaluated for participation in MIChoice waiver at the present time.
<b>181.</b> 2005-3655EDW	9-23-05	Meyer		ALJ held that the AAA did not err in denying the petitioner’s request to be evaluated at the present time. An applicant must get a face to face evaluation IF, “ <i>the contracting agency is accepting new participants into the MIChoice waiver.</i> ”
<b>182.</b> 2005-3512 EDW	9-7-05	Ketner		ALJ reversed the decision to reduce appellant’s MIChoice waiver services. The informal caregiver cannot provide as much assistance as appellant needs.
<b>183.</b> 2004-4556EDW	9-1-04	Gigliotti		ALJ affirmed the decision by the department to not increase services. The waiver staff observed the appellant on different occasions getting around on her own with a walker, and she is not bedridden as described by her daughter.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>184.</b> 2004-4835EDW	9-15-04	Gigliotti		ALJ affirmed the reduction of personal care supervision from 7 showers per week to 3, based on the standard used by nursing homes. ALJ reversed the decision to reduce homemaking services because there was no evidence or documentation of a decreased medical need.
<b>185.</b> 2004-3971EDW	7-20-04	Ketner		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>186.</b> 2004-4561EDW	9-3-04	Ketner		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>187.</b> 2004-4553EDW	8-20-04	Meyer		ALJ affirmed the decision to deny petitioner's request for participation in MIChoice because of funding constraints.
<b>188.</b> 2004-3958EDW	8-13-04	Gigliotti		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>189.</b> 2004-3585EDW	6-28-04	Ketner		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>190.</b> 2004-4214EDW	8-13-04	Gigliotti		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>191.</b> 2004-3621EDW	8-17-04	Meyer		ALJ affirmed the decision to deny petitioner's request for participation in MIChoice because of funding constraints.
<b>192.</b> 2004-4039EDW	8-6-04	Gigliotti		ALJ affirmed the decision to deny MIChoice waiver services – AAA provided sufficient evidence that appellant's condition did not meet criteria for waiver services.
<b>193.</b> 2004-3028EDW	6-9-04	Ketner		ALJ reversed the decision by the Waiver Agent to not give an in-home assessment. He should get an assessment, but it is not a guarantee of services.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>194.</b> 2004-2465EDW	6-28-04	Meyer		ALJ affirmed the decision to cancel appellant's MI Choice services based on the fact that they are no longer medically necessary.
<b>195.</b> 2004-3867EDW	7-9-04	Ketner		ALJ affirmed the determination that the department could not assess the appellant for the MI Choice waiver program.
<b>196.</b> 2005-669EDW	3-1-05	Ketner		ALJ affirmed the decision to reduce the level of assistance based on appellant's current condition.
<b>197.</b> 2005-558EDW	2-17-05	Meyer		ALJ affirmed the decision to reduce the level of assistance based on appellant's current condition.
<b>198.</b> 2004-3790EDW	8-30-04	Meyer		ALJ affirmed the decision to cancel petitioner's participation in the MIChoice program because she is not medically eligible.
<b>199.</b> 2004-4766EDW	11-9-07	Meyer		ALJ affirmed the decision that petitioner is ineligible for any further assessment to determine enrollment in the MIChoice waiver program.
<b>200.</b> 2005-671EDW	3-1-05	Ketner		ALJ affirmed the decision to reduce assistance based on the appellant's condition.
<b>201.</b> 2005-1184EDW	4-7-05	Meyer		ALJ affirmed the decision to reduce services. Petitioner requires no assistance with daily living activities and only some assistance in other areas.
<b>202.</b> 2005-1380EDW	4-7-05	Ketner		ALJ affirmed the decision to reduce assistance based on the appellant's condition.
<b>203.</b> 2004-3901EDW	1-24-05	Gigliotti		ALJ affirmed the decision to terminate appellant's assistance based on the fact that she has no documented medical condition requiring the MIChoice waiver services.
<b>204.</b> 2005-1013EDW	3-11-05	Ketner		ALJ affirmed the decision to not increase appellant's MIChoice waiver benefits since there has been no significant change in her condition.
<b>205.</b> 2005-336EDW	2-4-05	Gigliotti		ALJ affirmed the decision to reduce appellant's MIChoice waiver services.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>206.</b> 2005-1650EDW	4-5-05	Snider		ALJ affirmed the decision the deny appellant's request for increase in waiver personal care from 8 hours/day to 9 hours/day. No evidence provided to support the increase.
<b>207.</b> 2005-850EDW	1-31-05	Snider		ALJ affirmed the decision that appellant is no longer eligible for the MIChoice waiver.
<b>208.</b> 2005-559EDW	2-18-05	Ketner		ALJ affirmed the decision that appellant is not nursing home eligible and not eligible for the MIChoice waiver program. Appellant is not eligible because she lives with her family, she can walk, she can groom and bathe herself and has no health problem that requires a nurse.
<b>209.</b> 2005-564EDW	1-20-05	Gigliotti		ALJ affirmed the decision to reduce the appellant's personal care services, homemaker services, and transportation to medical appointments.
<b>210.</b> 2005-569EDW	2-17-05	Meyer		ALJ ordered that the petitioner shall receive 24 hours per week of personal care and homemaker services. Petitioner does not get transportation to and from medical appointments.
<b>211.</b> 2005-666EDW	2-24-05	Meyer		ALJ affirmed the decision to reduce petitioner's homemaking services from 7 hours a week to 3 hours a week based on his personal care needs.
<b>212.</b> 2005-835EDW	3-10-05	Meyer		ALJ affirmed the decision to deny petitioner's request to have her 90-day in-home assessments done every six months via telephone. The court stressed the importance of the in-person assessments.
<b>213.</b> 2005-681EDW	3-1-05	Ketner		ALJ affirmed the decision to reduce appellant's homemaker services from 6 hours per week to 3 hours per week.
<b>214.</b> 2005-1171EDW	4-12-05	Ketner		ALJ affirmed the decision that the appellant is no longer eligible for the MIChoice waiver program. Does not qualify under any Doors 1-7.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>215.</b> 04-0076EDW	3-5-04	Meyer		ALJ reversed the decision to deny appellant's MIChoice waiver, solely on the fact that she is developmentally disabled. The court found that someone can not be denied on that fact alone- could be developmentally disabled and still be eligible.
<b>216.</b> 03-4694EDW	12-4-03	Gigliotti		ALJ affirmed the decision to deny the request for increase in hours and the request for the appellant to modify her home. (Said she did not need a wheelchair accessible shower)
<b>217.</b> 03-4873EDW	11-19-03	Gigliotti		ALJ affirmed the decision to terminate appellant's enrollment in the MIChoice program based on her current condition.
<b>218.</b> 03-4396EDW	10-27-03	Snider		ALJ affirmed the department's decision to deny appellant services – he is his wife's primary caregiver and is physically able to take care of his personal needs.
<b>219.</b> 03-5266EDW	11-3-03	Gigliotti		ALJ affirmed the decision to deny waiver services. Appellant is able to walk freely, and unassisted in his home and community, and he can drive. He has no in-home services that are ordered by a physician and does not require skilled nursing or rehab services.
<b>220.</b> 03-2799EDW	7-8-03	Snider		ALJ affirmed the decision to terminate the appellant's participation in the MIChoice waiver. Appellant is in Adult Foster Care and receives the services there- if he got MIChoice they would be duplicate services.
<b>221.</b> 03-2398EDW	8-5-03	Snider		ALJ affirmed the decision to reduce appellant's MIChoice personal services hours from 30 hours/week to 10 hours/week.
<b>222.</b> 2005-317EDW	12-22-04	Ketner		ALJ affirmed the decision to deny MIChoice waiver services for the appellant, determining that she could be properly served by other community resources.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
223. 2004-5218EDW	1-7-05	Meyer		ALJ affirmed the decision to terminate nursing services (for medication set-up).
224. 2004-5399EDW	1-7-05	Meyer		ALJ affirmed the decision to refuse to enroll petitioner in the waiver program.
225. 2005-317EDW	12-22-04	Ketner		ALJ affirmed the decision to deny MIChoice waiver services for the appellant, determining that she could be properly served by other community resources.
226. 03-1943EDW	5-1-03	Snider		ALJ affirmed decision to deny benefits – conduct of beneficiary was unreasonable. No waiver agency would provide services.
227. 03-2181EDW	4-29-03	Snider		ALJ affirmed the decision to deny benefits. The beneficiary’s primary diagnosis is psychiatric no medical.
228.03-1141EDW	4-2-03	Snider		ALJ upheld the reduction in personal care services from 7 hours a day to 4 hours.
229. 03-1586EDW	5-8-03	Ketner		ALJ reversed the decision to reduce homemaker services to 5 hours – restored them to 10 hours.
230. 03-2186EDW	4-28-03	Snider		Since the waiver is closed, the agent is not required the complete the full assessment.
231. 03-2799EDW	7-8-03	Snider		ALJ upheld termination of waiver – Adult Foster Care home is responsible for services. *INCORRECT DECISION – talk with Cody
232. 03-2307EDW	5-14-03	Snider		Appellant is not placed on waiver since it is closed and there is no waiting list.
233. 03-0579EDW	12-23-02	Harrison		Participation properly terminated because appellant does not meet the criteria.
234. 03-0364EDW	1-17-03	Gigliotti	Region IIIB AAA	State Plan Services v. Waiver – the reduction was an error.
235. 02-5357EDW	2-5-03	Jacobs	MORC	ALJ affirmed the decision to terminate home and community based services for the appellant.
236. 03-0165EDW	1-7-03	Harrison		ALJ determined that the termination of counseling was in error and reinstated the counseling.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
237. 03-0480EDW	12-27-02	Ketner		ALJ affirmed the decision to deny appellant's enrollment in the MIChoice waiver because the limit has been reached on the current waiver.
238. 02-5044EDW	2-5-03	Jacobs	Region II AAA	ALJ affirmed the reduction of services as proper.
239. 03-0879EDW	3-3-03	Snider	MORC	ALJ affirmed the decision to reduce homemaking hours from 11 per week to 7 per week.
240. 02-5708EDW	2-5-03	Jacobs	Region II AAA	ALJ affirmed the department's decision to reduce services.
241. 03-0125EDW	1-2-03	Harrison	Region II AAA	ALJ decided that the AAA erred in authorizing personal care services and medical transportation to the appellant because those services are available under the Medicaid State Plan.
242. 03-0917EDW	3-3-03	Snider	MORC	ALJ affirmed the decision to terminate appellant's enrollment in the MIChoice waiver program – did not provide sufficient credible evidence that the services are necessary.
243. 02-0138EDW	12-13-02	Kershul	AAA	ALJ decided that AAA did not provide sufficient Medicaid services. Referred appellant to FIA- and ordered that environmental modifications be made to the appellant's home.
244. 03-0606EDW	12-13-02	Harrison	AAA IB	ALJ reversed the decision to deny appellant's enrollment – said the program is not full.
245. 02-5532EDW	2-5-03	Jacobs	Valley AAA	ALJ affirmed the decision to deny because the waiver is currently full.
246. 02-5744EDW	2-5-03	Jacobs	Region II AAA	Services were terminated appropriately.
247. 02-5972EDW	11-27-02	Ketner	NEMCSA	ALJ denied NEMSCA's request for adjournment after they did not show up to a hearing.
248. 03-0786EDW	12-22-02	Ketner		ALJ affirmed the decision to terminate appellant's services – should seek Medicaid services if eligible.
249. 03-0607EDW	2-18-03	Ketner	AAA IB	ALJ properly terminated services because appellant does not meet criteria.
250. 03-1154EDW	2-28-03	Snider	MORC	ALJ approved MORC's term of enrollment.
251. 03-1450EDW	3-26-03	Snider	AAA	ALJ affirmed the decision to deny appellant because the waiver is currently full.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>252.</b> 2005-1471EDW	5-11-05	Malewska		ALJ affirmed the decision that appellant is no longer eligible for the program.
<b>253.</b> 2005-2080EDW	5-10-05	Goldstein		ALJ affirmed the decision to reduce appellant's personal care and homemaking services in accordance with their latest re-assessment.
<b>254.</b> 2005-2084EDW	5-10-05	Goldstein		ALJ affirmed the decision to reduce appellant's personal care and homemaking services in accordance with their latest re-assessment.
<b>255.</b> 2004-1892EDW	4-18-05	Gigliotti		ALJ found that the department properly reduced appellant's homemaking services and in-home respite services.
<b>256.</b> 2005-1209EDW	4-21-05	Meyer		ALJ affirmed the decision to terminate services.
<b>257.</b> 2005-1891EDW	4-18-05	Gigliotti		ALJ affirmed the decision that the agency properly denied the assessment of appellant due to limited financial resources.
<b>258.</b> 2005-1697EDW	5-12-05	Ketner	AAA	ALJ affirmed the decision regarding which services to provide to appellant.
<b>259.</b> 2005-1171EDW	4-12-05	Ketner		ALJ decided that the agency properly proposed termination of waiver eligibility.
<b>260.</b> 2005-2089EDW	4-29-05	Gigliotti		ALJ affirmed the decision that the agency could not assess the appellant at this time due to limited financial resources.
<b>261.</b> 2005-1483EDW	4-29-05	Ketner		ALJ affirmed the decision that the agency could not assess the appellant at this time due to limited financial resources.
<b>262.</b> 2005-1460EDW	5-9-05	Meyer	AAA	ALJ affirmed the decision that the agency could not assess the appellant at this time due to limited financial resources.
<b>263.</b> 2005-1429EDW	5-6-05	Ketner		ALJ affirmed the decision to reduce services.
<b>264.</b> 2005-1047EDW	4-1-05	Meyer	AAA	ALJ reversed the department's decision to reduced services and ordered that the appellant receive 56 hours a week of homemaker and personal care services. AAA will be responsible for determining how to split up the 56 hours.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>265.</b> 2005-1270EDW	5-4-05	Meyer		ALJ affirmed the decision to terminate enrollment in the waiver.
<b>266.</b> 2005-1986EDW	6-9-05	Meyer	AAA	ALJ affirmed the decision that the agency could not assess the appellant at this time due to limited financial resources.
<b>267.</b> 2005-2227EDW	6-6-05	Snider		ALJ affirmed the decision to terminate appellant's transportation services (mileage).
<b>268.</b> 2005-2487EDW	6-15-05	Ketner		ALJ reversed the decision, finding that the department improperly terminated personal care assistance for strait catheterization. (Court found the assistants could perform that service)
<b>269.</b> 2005-1898EDW	4-18-05	Gigliotti	AAA	ALJ affirmed the decision to reduce appellant's homemaker services.
<b>270.</b> 2005-1980EDW	5-18-05	Gigliotti	AAA	Three issues were raised in this case: 1. May the AAA maintain a MIChoice waiting list? YES 2. May the AAA consider priority categories of individuals without an in-person evaluation? YES 3. Was the legal basis for the AAA denial adequate? YES
<b>271.</b> 2005-4107EDW	11-7-05	Snider		ALJ affirmed the decision that the appellant is not eligible for the waiver – not financially eligible due to excess assets.
<b>272.</b> 2006-346EDW	12-9-05	Gigliotti		ALJ affirmed the decision that the agency could not assess the appellant at this time due to limited financial resources.
<b>273.</b> 2004-1155EDW	6-1-04	Gigliotti		ALJ affirmed denial of appellant's request to increase respite services by 11 hours per week – the daughter already gets 38 hours per week which the department views as an “extraordinary amount” and is sufficient.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>274.</b> 2004-3377EDW	6-8-04	Ketner		ALJ affirmed the decision to refuse a telephone screen with the appellant to screen potential eligibility – she did not reside in an appropriate county.
<b>275.</b> 2004-1243EDW	5-24-04	Gigliotti	AAA	ALJ affirmed the decision to deny enrollment in the waiver because the on-call response system and personal care/nursing services are not covered by the waiver.
<b>276.</b> 2004-1523EDW	6-14-04	Gigliotti	AAA	ALJ affirmed the decision to deny appellant's request to increase services.
<b>277.</b> 2004-2057EDW	5-26-04	Gigliotti	AAA	ALJ affirmed the decision to deny appellant's request to increase services.
<b>278.</b> 2004-2150EDW	4-28-04	Gigliotti	AAA	ALJ upheld the decision to deny waiver eligibly, but held that the AAA applied the wrong standard to come to that decision. Decision should have been based on the fact that these services are not covered by the waiver.
<b>279.</b> 2004-1384EDW	6-10-04	Gigliotti	AAA	ALJ affirmed the decision to deny services, but AAA applied the wrong standard. Decision should have been based on the fact that the rental house subsidy requested by appellant is prohibited by federal regulation for these waivers.
<b>280.</b> 2004-1888EDW	4-26-04	Gigliotti		ALJ affirmed the decision to authorize waiver program transportation services for appellant.
<b>281.</b> 2004-2158EDW	6-1-04	Gigliotti	AAA	ALJ affirmed the decision to deny appellant waiver services – the help appellant wants are provided through the Medicaid State Plan.
<b>282.</b> 2004-1887EDW	6-4-04	Meyer		ALJ found that the department did not err in denying appellant's request for reimbursement for a speech generating device. No current mechanism is the waiver to provide for reimbursements of these types of purchases.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>283.</b> 2004-2061EDW	6-11-04	Meyer		ALJ found that the department did not err in denying appellant's request for coverage of a fitness program and terminating coverage of transportation costs.
<b>284.</b> 2004-2397EDW	4-27-05	Ketner		ALJ affirmed the decision to deny an in-home assessment for the time being. If circumstances change significantly, another request can be made.
<b>285.</b> 2004-2058EDW	5-4-04	Gigliotti	AAA	ALJ affirmed the decision to terminate services.
<b>286.</b> 2004-2766EDW	5-25-04	Ketner	AAA	ALJ affirmed the decision to terminate waiver services based on the fact that appellant is no longer medically eligible.
<b>287.</b> 2004-1912EDW	6-10-04	Meyer		ALJ found that the department did not err in reducing appellant's services based on a current level of need.
<b>288.</b> 02-6476EDW	12-2-02	Harrison	AAA IB	ALJ reversed the decision to deny appellant and said that appellant should be enrolled in the MIChoice waiver due to medical eligibility.
<b>289.</b> 2005-4161EDW	11-28-05	Goldstein	AAA	ALJ affirmed in part and reversed in part. Affirmed the decision to eliminate in home respite services, but reversed the decision to reduce homemaking and personal care services – these services should be restored.
<b>290.</b> 2005-4135EDW	2-8-06	Malewska		ALJ affirmed the decision that appellant is not eligible for the waiver- does not meet the NFLOC criteria (Nursing Facility Level of Care).
<b>291.</b> 2005-4455EDW	12-16-06	Ketner	AAA	ALJ reversed AAA's decision that appellant is not eligible for the waiver – he is medically eligible.
<b>292.</b> 2005-4318EDW	12-5-05	Goldstein	AAA	ALJ reversed the decision to reduce homemaking, personal care, and respite hours. Held that all services continue to be medically necessary.
<b>293.</b> 2005-4414EDW	12-7-05	Gigliotti	AAA	ALJ reversed the decision to reduce waiver services as they are still medically necessary.
<b>294.</b> 2005-3904EDW	11-23-05	Goldstein	AAA	ALJ reversed the decision to eliminate appellant's 4 hours of respite care on Sundays – they are still medically necessary.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>295.</b> 2005-4317EDW	1-4-06	Ketner		ALJ affirmed the decision to reduce appellant's services.
<b>296.</b> 2006-1835EDW	5-15-06	Ketner		ALJ affirmed the decision that the agency could not assess appellant further due to limited financial resources.
<b>297.</b> 2006-919EDW	2-23-06	Malewska		ALJ affirmed the decision that appellant is not eligible for the waiver.
<b>298.</b> 2006-1217EDW	5-2-06	Malewska		ALJ affirmed the decision to terminate appellant from the waiver.
<b>299.</b> 2006-41EDW	1-17-06	Malewska		ALJ affirmed the decision that appellant is not eligible for the waiver.
<b>300.</b> 2006-1841EDW	5-18-06	Gigliotti		ALJ affirmed the decision to reduce services.
<b>301.</b> 2006-921EDW	2-14-06	Goldstein		ALJ affirmed the decision to terminate appellant from the waiver program.
<b>302.</b> 2006-922EDW	2-14-06	Goldstein		ALJ affirmed the decision to terminate appellant from the waiver program.
<b>303.</b> 2006-592EDW	2-6-06	Ketner		ALJ affirmed the decision that appellant did not meet the level of care criteria for the MIChoice Waiver Program.
<b>304.</b> 2006-1521EDW	4-19-06	Gigliotti		ALJ affirmed the decision that appellant is not eligible for the waiver.
<b>305.</b> 2006-1253EDW	4-18-06	Ketner		ALJ affirmed the decision that the department could not assess appellant for the program – program is full right now.
<b>306.</b> 2006-301EDW	1-5-06	Gigliotti		ALJ affirmed the decision that the department could not assess appellant for the program – program is full right now.
<b>307.</b> 2006-1063EDW	3-8-06	Ketner		ALJ affirmed the decision that the department could not assess appellant for the program – limited financial resources.
<b>308.</b> 2006-1720EDW	5-3-06	Malewska		ALJ affirmed the decision that the department could not assess appellant for the program – limited financial resources.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>309.</b> 2006-1718EDW	5-1-06	Malewska		ALJ affirmed the decision that the department could not assess appellant for the program – limited financial resources.
<b>310.</b> 2006-2705EDW	8-28-06	Malewska	AAA	ALJ affirmed the decision that the appellant is no longer eligible for MIChoice waiver.
<b>311.</b> 2006-3267EDW	11-3-06	Malewska		ALJ affirmed the decision that appellant could not be assessed due to limited financial resources.
<b>312.</b> 2006-3089EDW	8-11-06	Malewska		ALJ affirmed the decision to terminate appellant’s waiver services. ALJ found appellant’s evidence and testimony to be “less than credible.”
<b>313.</b> 2006-2706EDW	9-14-06	Malewska	AAA	ALJ affirms the reduction of services for respite care – appellant did not meet her burden of proof.
<b>314.</b> 2006-3108EDW	8-8-06	Gigliotti		ALJ affirmed the decision that the appellant is wait-listed instead of assessed. The wait list is reviewed each month in chronological order.
<b>315.</b> 2006-2632EDW	8-3-06	Goldstein		ALJ affirmed the decision that appellant is not eligible for the waiver.
<b>316.</b> 2006-3101	8-11-06	Goldstein		ALJ affirms the denial of the request for an increase in personal care and homemaking services hours.
<b>317.</b> 2006-3695EDW	10-10-06	Goldstein		ALJ affirmed the decision that appellant should be on the waiting list- cannot assess at this time.
<b>318.</b> 2006-3797EDW	10-19-06	Lain	AAA	ALJ affirmed that appellant is no longer eligible for the waiver through any of the doors.
<b>319.</b> 2006-2948EDW	10-8-06	Gigliotti		ALJ affirmed the decision that the appellant cannot be assessed at this time – properly put on the waiting list.
<b>320.</b> 2006-3811EDW	10-26-06	Lain	AAA	ALJ affirmed the decision that appellant is not eligible for the waiver based on income – over by \$500.
<b>321.</b> 2006-2974EDW	8-9-06	Malewska	AAA	ALJ affirms the denial of additional transportation hours.
<b>322.</b> 2006-2314EDW	7-25-06	Goldstein		ALJ affirms the decision that appellant is not eligible for the continued enrollment in the waiver program through any of the 7 doors.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>323.</b> 2006-1727EDW	7-24-06	Goldstein		ALJ affirms the decision that appellant is not eligible for waiver services. "The appellant offered no challenge to the Department's position that she is neither age 65 or older, nor has she been disabled in the sense that her conditions require a nursing facility level of care." She says she has fallen and is in constant pain – the ALJ holds that does not qualify for waiver admission.
<b>324.</b> 2006-3105EDW	9-19-06	Goldstein		ALJ affirmed the decision that appellant is not eligible for 3 more hours/week for personal care services. No evidence of a medical necessity for the additional 3 hours.
<b>325.</b> 2006-3382EDW	9-26-06	Goldstein		ALJ affirmed the decision to terminate appellant's respite care services.
<b>326.</b> 2006-3697EDW	10-20-06	Gigliotti		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list.
<b>327.</b> 2006-2620EDW	8-2-06	Malewska		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list.
<b>328.</b> 2006-2621EDW	8-3-06	Malewska		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list.
<b>329.</b> 2006-3180EDW	8-29-06	Gigliotti		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>330.</b> 2006-3963EDW	11-21-06	Lain		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list. <i>“The waiver agency has committed all the financial resources made available through the Department’s appropriations and to ensure continued service to current waiver enrollees is not assessing any additional individuals. It maintains a waiting list and contacts individuals on a first come, first serve basis when sufficient resources become available to serve additional individuals. It then determines how many individuals from the list it can assess and assess a limited number of individuals from the list to determine if they may be eligible for enrollment in the MIChoice waiver.</i>
<b>331.</b> 2006-2711EDW	8-21-06	Goldstein		ALJ affirmed the decision that appellant cannot be assessed at the current time and must be placed on the waiting list.
<b>332.</b> 2006-3963EDW	11-21-06	Lain		The ALJ decides that the MIChoice waiver agency properly denied further assessment of the Appellant due to limited financial resources.
<b>333.</b> 2007-357EDW	1-17-07	Goldstein		ALJ affirms termination from MIChoice . “Burnam Brooks” decision affirmed.
<b>334.</b> 2007-361EDW	1-21-07	Malewska		ALJ upholds reduction in homemaker hours.
<b>335.</b> 2007-99EDW	12-21-06	Lain		ALJ affirms determination that appellant was not eligible for waiver based on income and placed him on the waiting list.
<b>336.</b> 2007-97EDW	12-7-06	Gigliotti		ALJ affirms placement on waiting list and denial of waiver based on income.
<b>337.</b> 2007-88EDW	12-7-06	Gigliotti		ALJ affirms denial of waiver based on financial resources and placed appellant on waiting list.
<b>338.</b> 2007-95EDW	12-6-06	Gigliotti		ALJ affirms the decision for no assessment, and placement on the waiting list.
<b>339.</b> 2006-3913EDW	12-5-06	Malewska		Affirms AAAs denial of appellants functionary medical eligibility for MIChoice waiver.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>340.</b> 2006-3933EDW	11-28-06	Lain		ALJ affirms that appellant does not meet level of care needs through any door.
<b>341.</b> 2006-4102EDW	11-28-06	Lain		ALJ affirmed the denial of the further assessment due to limited financial resources.
<b>342.</b> 2006-3964EDW	11-28-06	Lain		ALJ affirms the decision for no assessment due to limited financial resources.
<b>343.</b> 2006-1835EDW	5-15-06	Ketner		ALJ affirms the denial due to lack of financial resources.
<b>344.</b> 2006-1841 EDW	5-18-06	Gigliotti		ALJ affirms reduction in MIChoice Waiver.
<b>345.</b> 2006-1831EDW 2006-1830EDW	3-31-06	Gigliotti		ALJ determined appellants were not eligible for the waiver because of nursing home level of care screen.
<b>346.</b> 2006-564EDW	5-31-06	Malewska		ALJ affirms denial due to lack of application to DCH for Medicaid.
<b>347.</b> 2006-2358EDW	6-20-06	Snider		ALJ affirms the denial or authorization of a craftsman queen size bed.
<b>348.</b> 2007-104EDW	12-15-06	Lain		ALJ affirmed the decision to deny appellant's request due to lack of community supports and Appellant's safety and health. Appellant's medical needs and daily care are appropriately met at a nursing home setting.
<b>349.</b> 2006-2282 EDW	6-30-06	Gigliotti		ALJ affirmed denial of assessment due to limited financial resources.
<b>350.</b> 2006-1727EDW	6-24-06	Goldstein		ALJ affirmed decision that appellant is ineligible at this time (thru telephone screening).
<b>351.</b> 2006-2636EDW	7-19-07	Gigliotti		ALJ affirmed denial of assessment due to limited financial resources.
<b>352.</b> 2006-1875EDW	7-19-06	Gigliotti		Respite services were properly reduced.
<b>353.</b> 2006-2301EDW	7-11-06	Gigliotti		ALJ affirmed decision that appellant does not meet criteria of doors 1-7 and is ineligible for MIChoice Waiver.
<b>354.</b> 2006-2283EDW	7-3-06	Malewska		ALJ affirmed denial of assessment due to limited financial resources.
<b>355.</b> 2006-2631EDW	7-3-06	Malewska		ALJ affirmed denial of assessment due to limited financial resources.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>356.</b> 2007-344 EDW	1-24-07	Goldstein		Appellant failed to demonstrate that his current needs cannot be met with 8 hours of care. ALJ affirmed.
<b>357.</b> 2007-345 EDW	1-30-07	Malewska		ALJ affirmed the denial of Appellant's request for a prospective reduction in skilled nursing services. There is no standard under which Appellant can be compelled to accept services he does not want – he is free to reject them. BUT, the department is still obligated to “police appellant’s goals under PCP.”
<b>358.</b> 2007-357 EDW	1-17-07	Goldstein		ALJ affirmed the decision to TERMINATE appellant ‘s enrollment in the MIChoice program.
<b>359.</b> 2007-711 EDW	1-31-07	Malewska		ALJ affirmed the decision to reduce appellant’s chore hours.
<b>360.</b> 2007-712 EDW	2-23-07	Malewska		ALJ affirmed the decision to deny appellant’s request for 10 additional homemaker hours per week.
<b>361.</b> 2007-716 EDW	4-6-07	Malewska		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.
<b>362.</b> 2007-1169 EDW	4-6-07	Malewska		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.
<b>363.</b> 2007-735 EDW	1-31-07	Malewska		Properly put on WAITING LIST.
<b>364.</b> 2007-736 EDW	2-12-07	Malewska		ALJ affirmed the decision of Senior Resources to reduce chore services hours.
<b>365.</b> 2007-947 EDW	3-6-07	Malewska		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.
<b>366.</b> 2007-948EDW	3-6-07	Malewska		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.

<b>Docket Number</b>	<b>Date of Decision</b>	<b>Hearing Officer</b>	<b>Agency</b>	<b>Decision</b>
<b>367.</b> 2007-952 EDW	3-5-07	Goldstein		ALJ affirmed the decision to temporarily suspend services. "However, because a preponderance of the evidence did not establish the allegations of illegal drug activity by appellant, the Department is hereby ordered to reinstate appellant's waiver services immediately."
<b>368.</b> 2007-849 EDW	3-1-07	Malewska		ALJ affirmed AAA's decision to deny appellant's eligibility for MIChoice Medicaid Program enrollment.
<b>369.</b> 2007-1072 EDW	3-6-07	Malewska		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.
<b>370.</b> 2007-1305 EDW	3-13-07	Gigliotti		ALJ affirmed placement on WAITING LIST.
<b>371.</b> 2007-1473 EDW	4-18-07	Goldstein		ALJ affirmed denial in appellant's request for an increase in personal care hours.
<b>372.</b> 2007-1478EDW	3-27-07	Gigliotti		ALJ affirmed the authorization of homemaking and personal care hours.
<b>373.</b> 2007-1598 EDW	4-25-07	Goldstein		ALJ affirmed the decision to deny further assessment of appellant due to limited financial resources.
<b>374.</b> 2007-1731 EDW	5-10-07	Malewska		ALJ affirmed AAA's decision to TERMINATE appellant's waiver services based on LOC assessment.
<b>375.</b> 2007-1729 EDW	5-3-07	Gigliotti		ALJ affirmed the decision to reduce appellant's services
<b>376.</b> 2007-2062 EDW	5-21-07	Gigliotti		Appellant was properly put on the WAITING LIST.
<b>377.</b> 2006-3803 EDW	3-19-07	Goldstein		ALJ reversed the department's decision to reduce waiver services. Appellant should continue to receive 14 hours/week of homemaking services and 7 hours/week of chore services.

## **File Paths**

For this index: *Patti Dudek → Template → Freedom of Information Act → EDW Table of Decisions*

For the scanned copies of these decisions: *Patti Dudek → Research Materials Info → Scanned Docs → EDW Decisions*