

Fact Sheet: **Medicaid Level of Care Determination**

What is the Medicaid Nursing Facility Level of Care Determination (LOCD)?

The Level of Care Determination (LOCD) is the process the Michigan Medicaid program uses to decide if a person needs the kind of care provided in a nursing home or the services of two programs (MI Choice and PACE) that help people who need long term care but want to remain in the community.

When does a person need an LOCD?

- When a person wants to be admitted to a nursing home, the MI Choice program, or the Program for All-Inclusive Care for the Elderly (PACE) and needs Medicaid to pay for his or her long term care
- When a person already lives in a nursing home and **becomes** eligible for Medicaid
- When a person's health improves or health insurance coverage changes

How does a person qualify for Medicaid services?

The LOCD looks at a person's abilities in seven areas (sometimes referred to as "doors"). The areas include how the person manages daily activities like getting in and out of bed, using the bathroom, and eating. It also considers whether the person has short-term memory loss, needs help in making decisions, or has certain treatments or medical conditions. If a person meets the requirements under any **one** of the seven areas, she or he is medically eligible for Medicaid services.

What if a person does not qualify under one of the seven areas?

If you think you need nursing home care or services from MI Choice or PACE but are told you don't qualify under any of the seven areas, there are three options.

1. Immediate review

You, the nursing home, MI Choice program, or PACE may request an **immediate review** from the Michigan Peer Review Organization (MPRO). **To request an immediate review, you must call MPRO (1-800-727-7223) before noon on the day after you are told you do not qualify.**

MPRO will review your records to decide if there are other reasons that you should qualify for Medicaid services in the nursing home, MI Choice program or PACE. MPRO will either approve Medicaid coverage or, if MPRO decides you do not qualify medically, it will send you a notice that explains your appeal rights.

2. Medicaid Fair Hearing

If MPRO does not review your case or decides that you do not qualify, you can request a Medicaid Fair Hearing. To do so, you must complete and mail or fax a "Request for an Administrative Hearing" form (DCH-0092) to:

MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
P.O. BOX 30763 LANSING, MI 48909

Fax the form to: **517-763-0146**

The Medicaid Fair Hearing request must be received within **90 days** of the date of the notice from MPRO, the nursing home, MI Choice or PACE. You may be able to get free legal help for your appeal from your local legal services program.

3. Request another LOCD

If you think you should have qualified through one of the seven areas but the person completing the LOCD did not consider all of your needs, you can ask that the LOCD be redone. It is not necessary to wait any specific time period before requesting a second LOCD. It may be requested the same day as the first LOCD.

Michigan Long Term Care Ombudsman Program

Free and Confidential Help

1-866-485-9393

Email: MTLCOP@meji.org

Website: MLTCOP.org