

OASIS · AT A GLANCE

K.B. v. Michigan DHHS: what adults can borrow

A federal court made Michigan build statewide intensive services for children. Your adult child is not covered. Three findings are still usable, and this sheet is about those three.

PILLARS: WHERE · WHEN | COMPANION TO BLOG POST B156 | 2-PAGE BRIEF

3

FINDINGS ADULTS CAN BORROW

From a settlement that does not cover a single adult.

How the case worked

SUIT, SETTLEMENT, REASONING

STAGE 1

Families sued

K.B. v. Michigan Department of Health and Human Services, filed in the U.S. District Court for the Eastern District of Michigan for children with intensive mental health needs.

→

STAGE 2

The court approved a fix

Approved August 28, 2025. Michigan must make intensive home and community based services available statewide, with a standardized eligibility and assessment process.

→

STAGE 3

Adults get the reasoning

The settlement does not cover adults. It establishes that geographic unavailability of a covered service is a legal problem in Michigan.

What transfers to an adult case

AND WHAT DOES NOT

Sorting the useful from the inapplicable

Lead with the right column and you get a polite explanation that the class was children. Lead with what transfers and you are asking a question nobody has a comfortable answer to.

ELEMENT	TRANSFERS?	HOW TO USE IT
The class	No	Children only. Do not argue entitlement by analogy
EPSDT entitlement	No	Ends at 21. That cliff is the problem, not the tool
ADA integration claim	Yes	No age limit. Olmstead reasoning survives a birthday
Statewide availability	Yes	A covered service that does not exist locally is a defect
Standardized assessment	Yes	Names county-by-county inconsistency as unacceptable
The court	Same	E.D. Michigan, the same court that approved Waskul

0

Adults covered by the settlement

No adult gained a service, a slot, or an entitlement on August 28, 2025.

2025

Approved August 28

In the U.S. District Court for the Eastern District of Michigan.

21

Where EPSDT ends

The children's entitlement stops on a birthday. The need does not.

THE SAME COUNTY LINE, TWELVE YEARS APART

“

Priscilla fought four years to get her son intensive services as a teenager and finally won them. He turned 21 in the spring. The services ended on his birthday, and the replacement adult service is not staffed in her county. The strangest part was recognizing the argument she had already won once.

THE NEED DID NOT AGE OUT. THE ENTITLEMENT DID.

THE TAKEAWAY

You are not arguing that your adult child deserves more. You are arguing that a service Michigan already agreed to cover does not exist where you live. Only one of those is winnable.

TURN THE PAGE

How to build an availability argument, what a strong file contains, and the question to put to a legislator.

Building the availability argument

NOT ELIGIBILITY, AVAILABILITY

ESTABLISH

Confirm what is covered

☐ Confirm the service is covered by the waiver

☐ Get the authorization in writing, with units

☐ Get the plan of service naming the need

☐ Confirm the effective dates

☐ Save every document with the date received

DOCUMENT

Prove it does not exist locally

☐ Request the regional provider list in writing

☐ Call every provider that offers the service

☐ Log the date, the person, and the answer

☐ Get closed intake confirmed in writing

☐ Record hours authorized against hours delivered

FRAME

Say it the way that lands

☐ The waiver covers this service

☐ My adult child is authorized for it

☐ No provider in this region will staff it

☐ That is not a waiting list, it is unavailability

☐ Michigan was already ordered to fix this defect

ESCALATE

Where the argument goes

☐ Supports coordinator, in writing first

☐ PIHP regional office, copied on everything

☐ Recipient Rights complaint on undelivered hours

☐ Disability Rights Michigan, 800-288-5923

☐ Your legislator, with the dated provider log

BRING ONE PAGE, NOT A BINDER

The unavailability sheet

01

Covered

The service, quoted from the plan and the waiver.

02

Authorized

Units per week and the effective dates.

03

Unavailable

The numbered log of providers who declined.

04

The ask

Identify a provider, or issue a written determination.

YOUR MOVE

When a covered service does not exist where you live

1

Name it correctly

Unavailability, not a waiting list.

2

Get the list

The PIHP regional provider network, in writing.

3

Call and log

Every provider, every date, every answer.

4

Demand a determination

A provider, or a written notice.

5

Take it outside

Rights office, DRM, then a legislator.

Michigan has settled two federal cases in two years about the adequacy and availability of disability services. Ask what the plan is to fix the next one before it gets filed.

SOURCES

K.B. v. Michigan Department of Health and Human Services, U.S. District Court for the Eastern District of Michigan. Settlement approved August 28, 2025.

National Health Law Program. K.B. v. Michigan D.H.H.S. case page and settlement documents.

Michigan Department of Health and Human Services. Children’s Medicaid Behavioral Health Settlement.

Disability Rights Michigan. Children’s Mental Health Lawsuit case page. 800-288-5923.

Michigan Alliance for Families. Transition planning support for families.

ABOUT THE AUTHOR

JP

Jim Palasty

Jim Palasty is the founder of OASIS for Autism and a single father of an adult autistic daughter in Michigan.