

The Commonwealth of Massachusetts, Department of Mental Health

Area of Responsibility

Policy # 99-1

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Effective Date: February 19, 1999

Approval by Commissioner

Signed by: Marylou Sudders

Date: February 19, 1999

I. Purpose

The Department of Mental Health supports the right of each DMH Client to choose where he or she wants to live, work and socialize. Nothing in this policy is intended to undermine that freedom of choice. The purpose of this policy is to assign administrative responsibility for DMH Clients to the appropriate DMH Area, and to enhance continuity of care and ensure communication between DMH Areas when a DMH Client leaves one Area for another. This policy replaces DMH Policy #88-3.

II. Scope

This policy establishes the Area of Responsibility for each DMH Client. It includes procedures to be followed when a DMH Client moves to or is placed in a new DMH Area or when a DMH Client who resides in one DMH Area either seeks or receives services in another Area. It does not apply to Facility-to-Facility transfers (MGL c.123 ' 3).

III. Definitions

- DMH Area: The geographic subdivision within the state that is responsible for providing access to comprehensive mental health services for individuals within its boundaries.
- DMH Client: An individual who has been determined to be eligible for DMH continuing care services and who receives DMH continuing care services.
- DMH Facility: Any DMH-operated or contracted inpatient unit or hospital, including any DMH-contracted unit that comes under the governance of a DMH-operated hospital, and all DMH-operated inpatient units at a Department of Public Health hospital.

IV. Policy

A. Area of Responsibility (AOR)

The Area of Responsibility (AOR) is the DMH Area that has administrative responsibility for arranging and providing services to DMH Clients and for determining eligibility for DMH continuing care services. The AOR determines eligibility for and provides services in accordance with applicable laws, regulations and policies.

B. Determination of AOR

Each DMH Client has an AOR. Unless C or D, below, is applicable, the AOR for an adult DMH Client is the DMH Area in which the adult DMH Client resides and the AOR for a minor DMH Client, is the DMH Area in which the minor's parent or guardian, having custody of the minor, resides.

Residence is not determined or changed by a stay in an acute care or continuing care hospital (including forensic commitments), specialized placement such as a pediatric nursing home or private residential school, detoxification facility, homeless shelter, jail, prison, foster care placement, or other facility or programs determined by the Commissioner, or designee.

If an individual's residence cannot be established (i.e., the individual has no known residence), the AOR shall be the Area in which the individual applies for DMH continuing care services, unless the Deputy Commissioner overseeing field operations determines otherwise.

C. Exceptions to the AOR Residence Rule

The following are exceptions to the rule that residence determines AOR:

1. If a DMH Client age 19 or older moves to a nursing home or rest home, the Client's AOR for the first six months of the move shall be the DMH Area where the Client resided prior to the

move. After the first six months, the Client's AOR shall be the Area in which the home is located. The only exception to this six-month rule applies to Clients who move to the Farren Care Center. Clients at the Farren Care Center shall continue to be served by the AOR in effect before their move to Farren, regardless of their length of stay at that facility.

2. When a DMH Client is in the care or custody of the Department of Social Services (DSS) or Department of Youth Services (DYS), the AOR shall be the DMH Area that is the same as the responsible DSS/DYS Area, in order to facilitate coordinated planning.

D. Rehospitalization in a DMH Facility

If a DMH Client who was discharged from a DMH Facility needs to be rehospitalized for the same level of care within six (6) months from the original date of discharge, the Client shall be returned to the DMH Facility from which he or she was discharged, unless there are valid clinical reasons for not doing so. The Client's AOR shall then be the Area that was the Client's AOR at the time the Client was originally in the Facility. There are two exceptions to this rule: 1) if the Client was originally admitted on acute forensic status or; 2) there are valid clinical reasons for not returning the Client to that Facility.

If the Client was discharged from the DMH Facility to another Area and there are valid clinical reasons for not returning the Client to the same DMH Facility, the Area Directors of the Areas where the Facility is located and the Client resides, in consultation with the clinical staff, shall confer and agree on the appropriate DMH Facility for the Client.

E. AOR Changes

1. DMH Client Request for Residential Services: If it is determined a DMH Client or guardian (including the parent of a minor) requests residential services in another DMH Area, this request will be considered by the sending and receiving Areas. To facilitate the request, the sending Area will forward the Client's Individual Service Plan (ISP) to the receiving Area. The receiving Area Director (or designee) will review the Client's ISP and make a decision based on an assessment of the Client's priority of need for services and the availability of resources to meet the need.
 - Adult: If it is determined the request for a residential program in another Area is approved and results in a permanent change in living address, then the AOR becomes the Area in which the new program is located. The sending Area shall send the receiving Area Form AOR-N within 30 days of the approval. This is the formal notification of a change in AOR. The Area Director in the receiving Area shall arrange for a DMH case manager to review and modify the Client's ISP and Program Specific Treatment Plan(s), in accordance with DMH regulations. The receiving Area shall sign and return Form AOR-N to the sending Area within 30 days of receiving it. The response shall indicate which services will be the responsibility of the receiving Area. The receiving Area shall notify all appropriate parties (e.g., site office). The Legal Office of the receiving Area must be notified if the Client is under a guardianship or a treatment order that has an expiration or a review date. The Legal Office of the receiving Area shall communicate with the Legal Office of the sending Area as is necessary.
 - Minor: If the request for a residential program in the receiving Area is approved that results in a minor moving to another Area, there is no change in AOR, but the sending Area must modify the minor's ISP and Program Specific Treatment Plan(s) in accordance with DMH regulations.
2. DMH Client Move: When a DMH Client or parent/guardian of a minor DMH Client chooses to move from one Area to another, the new Area becomes the Client's AOR. The sending Area shall notify the receiving Area on Form AOR-N within 30 days of learning about the Client's move. This is the formal notification of a change in AOR. The Area Director or designee in the receiving Area shall arrange for a DMH case manager to review and modify the ISP and Program Specific Treatment Plan(s), and arrange for appropriate service(s), as necessary. The receiving Area shall consider and accommodate, to the extent possible, the Client's request to maintain existing therapeutic relationships. The receiving Area shall sign and return Form AOR-N to the sending Area within 30 days of receiving it. The response shall indicate which services will be the responsibility of the receiving Area. The receiving Area

shall notify all appropriate parties (e.g., site office). The Legal Office of the receiving Area must be notified if the Client is under a guardianship or a treatment order that has an expiration or a review date. The Legal Office of the receiving Area shall communicate with the Legal Office of the sending Area as is necessary.

3. Placement Resulting in a Change of Residence: When one DMH Area places a DMH Client into a nursing home or rest home in another DMH Area, the sending Area shall notify the receiving Area on Form AOR-N as soon as the placement is confirmed. This notification shall occur before the Client is moved, to the extent possible, but in no case later than five (5) working days after the placement has occurred. The receiving Area shall sign and return Form AOR-N to the sending Area within 30 days of receiving it. The two Areas shall arrange for transitioning the AOR no later than six months from the date the placement occurred. The Legal Office of the receiving Area must be notified if the Client is under a guardianship or a treatment order that has an expiration or a review date. The Legal Office of the receiving Area shall communicate with the Legal Office of the sending Area as is necessary.

F. Responsibilities of Areas When AOR Does Not Change

1. When an AOR purchases a program or service for a DMH Client that is located in another DMH Area that does not result in a change of AOR, the AOR retains responsibility for case management and planning for the Client.
2. The Area in which the service or program is located is responsible for incident reporting (as per Commissioner's Directive), initiating search or notification procedures in connection with an unauthorized absence (as per DMH Policy # 98-4), and arranging for emergency assessment or emergency services, if necessary. This Area shall communicate with the AOR about any problems encountered concerning the Client.

G. Area Dispute Resolution

1. Responsibility for DMH Client: When there is a dispute between Areas, the Client's AOR, if any, prior to the dispute shall maintain responsibility for the Client until the dispute is resolved.
2. Area Level Resolution: Area Directors involved in a dispute shall have two working days to achieve resolution.
3. Deputy Commissioner Level Resolution: Disputes between two Areas that remain unresolved after two working days shall be forwarded to the Deputy Commissioner overseeing field operations, whose decision shall be rendered within three working days.

V. Responsibility

The provision, arrangement and coordination of services to DMH Clients in compliance with this policy is the responsibility of each Area Director under the overall supervision of the Deputy Commissioner overseeing field operations.

VI. Review

This policy shall be reviewed annually.