



## DEPARTMENT OF MENTAL HEALTH

### APPEAL GUIDELINES: CLINICAL

#### Who may file an appeal?

A determination by DMH that an applicant is not approved for DMH services based on clinical criteria may be appealed by an applicant, the applicant's LAR, if any, or a person designated by the applicant when there is no LAR using the procedures established by the Department and outlined below. DMH staff will provide the applicant with the necessary names, addresses and telephone numbers to initiate an appeal.

#### How is an appeal filed?

An applicant wishing to appeal formally or informally should provide additional information to support the reversal of the denial decision:

An applicant wishing to appeal should:

1. Request an informal meeting with **[Area Director or designee]** within ten (10) days of receiving the notification of denial to ask questions and resolve any issues or ask that this informal meeting be waived (the applicant may bring other persons to this meeting if desired);
2. If the informal meeting has been waived, or if the applicant is still dissatisfied with the decision, the applicant may file a written notice with **[Area Medical Director]**, a Request for Reconsideration by the Area Medical Director within ten (10) days after the conclusion of the informal conference or the agreement to waive.

The Area Medical Director must render a decision on the Request for Reconsideration within twenty (20) days of receipt of the request, unless the time is extended by mutual consent of the Area Medical Director and the person filing the Request for Reconsideration.

#### What happens if the Area Medical Director does not reverse the denial of eligibility and the applicant believes he or she should be eligible?

If denial of the application is not reversed by the Area Medical Director, the applicant may appeal the Area Medical Director's decision by petitioning the DMH Commissioner or designee for a fair hearing pursuant to 104 CMR 29.16(5).

A petition for fair hearing must be submitted to the Commissioner within twenty (20) days after receiving the Area Medical Director's decision with regard to clinical criteria pursuant to 104 CMR 29.16(3).

The hearing officer shall render a decision within 20 days of the close of the hearing.

Within 15 days after receipt of the hearing officer's recommended decision, the Commissioner shall issue a decision.