

110 CMR 8.00: SERVICE DENIAL, REDUCTION, OR TERMINATION

Section

8.01: Notice of Action

8.02: Service Continuation for Ages 18 through 22

8.01: Notice of Action

(1) The Department or provider shall give written notice to a client if the Department intends to deny, reduce, or terminate services, or increase the cost thereof. The written notice shall contain:

- (a) a statement of what action the Department intends to take;
- (b) the reasons for the action;
- (c) the date on which the action shall become effective;
- (d) the address and telephone number of the Department office making the decision;
- (e) an explanation of the client's right to request a fair hearing;
- (f) a copy of the form used to request a fair hearing; and
- (g) an explanation of the circumstances, if any, under which services will be continued pending the fair hearing.

(2) The written notice shall be mailed or hand-delivered to the client at least 14 days prior to the date of the intended action, except for a notice of denial which shall be mailed or hand-delivered within 55 days of the date of the Department's receipt of the application.

(3) The Department or provider may dispense with advance notice of action (but shall send written notice not later than the date of action) when:

- (a) the Department or provider has factual information confirming the death of the recipient of services;
- (b) the Department or provider has received a clear, written statement from the recipient that he/she no longer wishes services;
- (c) the recipient gives to the Department information which requires termination or reduction of services, and the recipient has indicated, in writing, that he/she understands that this must be the consequence of supplying such information;
- (d) the recipient has been accepted as a recipient of services in a new jurisdiction: or
- (e) a service was granted for a specific period and the recipient had been informed in writing at the time of initiation that the service would terminate at the end of the specified period.

8.02: Service Continuation for Ages 18 through 22

The Department is committed to assisting older adolescents and young adults in their transition to independence and self sufficiency. Towards this end the Department may elect, on a case by case basis, to continue to serve children as they turn 18 years of age and up until their 22nd birthday, to the extent that other departments (for example,

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Department of Mental Health (DMH), Department of Mental Retardation (DMR), *etc.*) are not primarily responsible for such persons. The decision to continue to serve individuals beyond age 18 is based on their educational and/or rehabilitative needs, their willingness to enter into an agreement with the Department, and the availability of resources such decisions require the approval of the Area Director.

REGULATORY AUTHORITY:

110 CMR 8.00: M.G.L. c. 18B, §§. 2, 4.