



DEPARTMENT OF MENTAL HEALTH

APPEAL GUIDELINES: DENIAL OF APPLICATION BASED ON NEEDS, MEANS, AND DOMICILE

Who may file an appeal?

A determination by the Department of Mental Health (DMH) that an applicant is not approved for a DMH service(s) based on not being in **need** of a DMH service, having other **means** to obtain needed services or not being **domiciled** within Massachusetts may be appealed by the applicant, the applicant's legally authorized representative (if any), or a person designated by the applicant when there is no legally authorized representative.

How is an appeal filed?

An applicant, legally authorized representative or designated representative must submit a written statement to the Area Director or designee indicating what is being appealed, and the basis for the appeal. This written statement must be submitted within ten (10) business days of receiving notification that DMH services were not approved. The applicant, legally authorized representative, or designated representative may submit additional information that might support the reversal of the denial. The written statement must be submitted to **[name/title/address]**.

How is the appeal decided?

The Area Director or designee shall hold a resolution conference with the applicant, legally authorized representative or designated representative unless the resolution conference is waived by agreement. The purpose of this meeting is to ask questions and resolve the matter being appealed. The informal meeting shall be held within ten (10) business days of notification of the appeal. The applicant, legally authorized representative, or designated representative will receive written notice of the decision.

What happens if the Area Director or designee does not reverse the denial?

If the decision is not reversed by the Area Director or designee, the applicant, legally authorized representative, or designated representative may petition the Department of Mental Health Commissioner for a fair hearing pursuant to 104 CMR 29.16(5). The petition for a fair hearing must be submitted in writing to: DMH Commissioner, 25 Staniford Street, Boston 02114 within twenty (20) days of completion or waiver of the resolution conference.