



**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, using the procedures established by the Department and outlined below, by an applicant, the applicant's Legally Authorized Representative (LAR), if any, or a person designated by the applicant when there is no LAR. 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 should provide additional information to support the reversal of the decision to not authorize DMH services:

The steps for the appeal process, in order of occurrence, include:

1. **Resolution Conference:** A meeting with **[insert Area Director or designee name and phone number and/or e-mail address]** may be requested within ten (10) business days of receiving notification that DMH services were not approved. This meeting allows the applicant to ask questions and resolve issues. The applicant may bring other individuals to this meeting, if desired.

The *Resolution Conference* may be waived by agreement between the applicant and the DMH designee. In these situations, the appeal moves on to an *Area Clinical Appeal* (see below).

2. **Area Clinical Appeal:** If the *Resolution Conference* has been waived, or if the applicant is still dissatisfied with the decision following the *Resolution Conference*, the applicant may file a written notice of appeal with **[Insert Area Medical Director name, address and/or e-mail address]** within ten (10) business days after the conclusion of the *Resolution Conference*, or the agreement to waive.

The written notice of appeal must state the basis of the appeal, and include any additional information which might support a reversal of the decision. The Area Medical Director may request a face-to-face assessment and/or additional information as necessary.

The Area Medical Director shall render a written decision within twenty (20) business days of receipt of the notice of appeal, face-to-face assessment, or receipt of such additional assessments or information as Area Medical Director may have requested, unless the time is extended by mutual consent of the Area Medical Director and the person filing the *Area Clinical Appeal*.

3. **Fair Hearing:** If the decision is not reversed by the Area Medical Director, the applicant may appeal the Area Medical Director's decision by petitioning the DMH Commissioner for a *Fair Hearing*. A petition for a *Fair Hearing* must be submitted to the Commissioner within twenty (20) business days of receiving the Area Medical Director's decision.

The hearing officer shall render a decision within 20 business days of the close of the hearing. Within 15 days of receiving the hearing officer's recommendation, the Commissioner shall issue a decision.