

THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH COMPLAINT PROCESS

SUMMARY OF TIERS

Prepared by the Mental Health Legal Advisors Committee

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	Tier 1	Tier 2	Tier 3
Brief Description:	A complaint that is deemed to be very serious and may be referred to the Office of Investigations.	A complaint that is deemed to be moderately serious and may be addressed inside the program through an Administrative Resolution Process.	A complaint that is deemed to be moderately serious, but cannot be addressed through the initial Administrative Resolution Process and undergoes a 10-day fact-finding process.
How Does DMH Classify Complaints It Receives?	<ul style="list-style-type: none"> • medicolegal death; • sexual assault or abuse; • physical assault or abuse which results in serious physical harm; • attempted suicide which results in serious physical harm; • commission of a felony; • serious physical injury resulting from restraint 	<ul style="list-style-type: none"> • an allegation of an incident or condition that is not dangerous, illegal, or inhumane; • allegations that are objectively impossible; • allegations of fact that have previously been investigated and decided; • alleges a violation of 	Same as Tier 2.

	<p>or seclusion practices; or</p> <ul style="list-style-type: none"> • an incident that the Person in Charge in his or her discretion believes is sufficiently serious to require additional assistance. 	<p>regulation, policy, or procedure that does not present a health or safety risk to a client or other individual and which may be resolved or corrected without need for additional fact finding;</p> <ul style="list-style-type: none"> • allegations withdrawn by the client or complainant, provided the complaint does not concern the health or safety of the client or other individual; or • allegations that present undisputed facts which allow the identified program representative to determine that the complaint can be best resolved through the administrative process 	
Who Will Issue a Decision Letter?	The Identified Program Representative.	The Identified Program Representative.	The Identified Program Representative.

<p>Is There a Right to Request Reconsideration?</p>	<p>Yes. Any party to the complaint has the right to request reconsideration of an issued decision. However, a party does not need to request reconsideration before filing an appeal.</p> <p>A request for reconsideration must be submitted in writing to the identified program representative no later than ten (10) days after receiving a decision.</p> <p>The request must:</p> <ul style="list-style-type: none"> • indicate the failure of the investigator to interview an essential witness, • allege that the decision is not supported by the facts, or • show error in the interpretation of an applicable law or policy. <p>Unless additional fact-finding is necessary, a final decision must be provided within ten (10) days of receiving the request.</p>		
<p>Is There a Right to an Appeal?</p>	<p>Yes. Following an investigation by the Office of Investigations, a client or authorized legal representative may file an appeal to the following persons:</p> <ul style="list-style-type: none"> • Appeal of Area Director decision → to the Deputy Commission for Mental Health Services. • Appeal of Director of Program Management for Child/Adolescent Services decision → to the Deputy Commissioner for Child and Adolescent 	<p>Yes. Appeal a decision concerning a complaint involving a DMH office or operated or contracted program or facility that falls under <u>Tier 2</u> or <u>Tier 3</u> → to:</p> <ul style="list-style-type: none"> • the appropriate Area Director, • Director of Program Management for Child/Adolescent Services, or • applicable senior manager. 	<p style="text-align: center;">Same as Tier 2.</p>

	<p>Services.</p> <ul style="list-style-type: none"> • Appeal of Senior Manager decision → to the Chief of Staff of the Department or designee. • Appeal of Deputy Commissioner or Chief of Staff decision → to the Commissioner, whose decision is final. • Appeal of Director of Licensing or senior manager decision → to the Commissioner, whose decision is final. 		
<p>What is the Result of an Appeal?</p>	<p>The appeal decision will affirm, modify, or reverse the original decision. The appeal decision should outline any corrective actions in writing and be sent to all relevant parties. All <u>Tier 1</u> appeal decisions are the final decision of DMH.</p>	<p>The appeal decision will affirm, modify, or reverse the original decision. The appeal decision will be sent to all relevant parties and indicate any corrective actions. The appeal decision will also notify the client of his or her ability to further appeal the decision within ten (10) days. Any decision of the Deputy Commissioner, Chief of Staff or the Commissioner is final.</p>	<p>Same as Tier 2.</p>