

MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH SERVICE AUTHORIZATION DETERMINATION PROCESS

Prepared by the Mental Health Legal Advisors Committee
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How does DMH determine if an individual needs its services?

The DMH service authorization determination process is based on several things, which include:

- contact with the applicant and a legally authorized representative to review the request for service and current status;
- determination of whether the individual's needs can be met by a DMH service;
- assessment of whether the individual's current medical entitlements and insurance allows for the provision of appropriate services in the community; and
- assessment of the availability of appropriate services from other public or private entities.¹

What happens if DMH determines the individual needs DMH services?

If DMH decides a person needs DMH services, and that there is capacity in an appropriate service, DMH will find the person eligible.²

If DMH determines that a person needs DMH services, but no such service(s) are available, DMH will notify the individual and his or her representative, and, if appropriate, the facility or program which submitted the application on the individual's behalf.³ Then DMH will periodically contact the individual or representative regarding the individual's status and continued need for services. When the DMH service becomes available, DMH will offer to refer the individual to it.⁴

What happens if DMH determines the individual doesn't need DMH services?

If DMH determines that the individual does not need DMH services, the application will be denied and the Area Director or designee will so notify the individual and his or her representative, and, if appropriate, the facility or program which submitted the application on the individual's behalf.⁵

The notice will:

- set forth the reasons for the denial;
- inform the individual and his or her representative of the right to appeal the denial of the application for DMH services; and
- inform the individual and the representative of other community services that may be available to meet his or her needs.⁶

What happens if there is a change of circumstances after being found not in need of DMH services?

A person may reapply if there is a change of circumstances.⁷ If an individual whose application was denied because of a determination that the individual does not need DMH services reapplies due to a change in circumstances within six months of such denial, he or she shall be presumed to continue to meet the clinical criteria for DMH services.⁸

Can someone appeal a decision based on determination of capacity?

Decisions regarding the available capacity of DMH services are not subject to appeal.⁹

How can an individual support an application for services from DMH?

In order to support an application for DMH services, one should obtain copies of the following types of records:

- outpatient clinical providers;
- discharge summaries from inpatient hospitalizations;
- school records; and/or
- testing or evaluations by clinicians, school psychologists or others.

Should the individual get the records and give to DMH or just sign releases for DMH to get them?

One can do either. If an individual signs releases, he or she should check to make sure that DMH reviewed them.

If an individual appeals a DMH denial of services and is preparing for a fair hearing, the individual should obtain any records that DMH reviewed or should have reviewed.

¹ 104 CMR 29.04(3).

² 104 CMR 29.04 (4)(a).

³ 104 CMR 29.04 (4)(b).

⁴ 104 CMR 29.04 (4)(b)(1).

⁵ 104 CMR 29.04(4)(d).

⁶ 104 CMR 29.04(4)(d).

⁷ 104 CMR 29.04(4)(e).

⁸ 104 CMR 29.04(4)(e).

⁹ 104 CMR 29.04 (4)(c).