

# THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH COMPLAINT PROCESS

*Mini-guide and tips*

**Prepared by the Mental Health Legal Advisors Committee  
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The Department of Mental Health (DMH) has a complaint process which applies to all programs and facilities operated by DMH, contracted for by DMH, or licensed by DMH.

## **WHO MAY FILE A DMH COMPLAINT?**

Any individual may file a DMH complaint (regardless of age or competence).

## **HOW TO FILE A COMPLAINT**

A complaint may be filed either verbally or in writing, to the Person in Charge.

Any employee, including the Human Rights Officer (HRO), of a program or facility operated by DMH, contracted for by DMH, or licensed by DMH, must provide a complaint form and, if the person requests, assist the person in completing the form.

The DMH complaint form and the telephone number to get more information is available at <http://www.mass.gov/eohhs/consumer/behavioral-health/mental-health/complaint-form.html>.

## **WHAT TYPES OF EVENTS MAY A PERSON COMPLAIN ABOUT?**

A complaint may be filed about an incident or condition which:

- is **dangerous, illegal or inhumane**; and
- involves a client of DMH or a client of entities with which DMH contracts or licenses (e.g., private psychiatric hospitals).

## **OTHER IMPORTANT INFORMATION**

You may not be retaliated against for filing a complaint.

To the extent that it's "practicable" and won't "unreasonably" delay completion of fact-finding, the person complaining should be interviewed before any other people.

You have a right to request a reconsideration of the first decision and the right to appeal decisions, other than a final decision of the Commissioner, Chief of Staff, or Deputy Commissioner. Most requests for reconsideration and appeals must be filed **in writing within 10 business days of receipt of the decision** you want reconsidered or want to appeal.

You should receive a final decision on a request for reconsideration within 10 business days of the receipt of the request and a final decision on an appeal within 30 business days of the receipt of the appeal.

The bases for a request for reconsideration and appeal are these:

- The Fact-finder didn't interview essential witness or consider important fact/factor;
- The Decision is not reasonably supported by the facts; or
- The decision-maker made an erroneous interpretation of applicable law or policy.

When you request a reconsideration of or appeal a decision, be sure to emphasize one or more of these items. Don't just restate your position or depend upon how horrible the event made you feel. Point out *missing* facts or the failure of the fact-finder to interview a person essential to your case, like another client who saw what happened. Point out how the missing or other facts should have changed the conclusion in the decision. Also, don't just restate the law or policy. Say how the decision fails to apply or interpret the law/policy correctly.

All timelines stated above are subject to extension under certain circumstances.

For more information, call:

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Intake  
617-338-2345 press 4