



MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

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SUBJECT
PROCEDURES FOR REVIEW OF SERVICE ELIGIBILITY
AND TERMINATION DECISIONS

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SCOPE

County MH/MR Administrators
Base Service Unit Directors
MH Community Program Managers
MR Regional Program Managers
DPW Headquarters Program and Administration Deputies

PURPOSE

To direct County MH/MR Programs to develop policies which provide procedural safeguards to all clients in connection with applications for services and termination of service.

BACKGROUND

County MH/MR Programs have developed diverse approaches to documenting decisions on applications for service and termination of service. It is important that County MH/MR Programs report consistent and complete information concerning the outcome of these decision processes to clients and their advocates. This bulletin is intended to assure that each County MH/MR Program establish clearly-defined policy and procedures for review of a County MH/MR Program's decisions and application for service and termination of service. Questions have been raised whether the Local Agency Law (2 Pa.C.S., Sections 551-555 and 751-754) applies to review of decisions by County MH/MR Programs. However, that must be determined by the courts, which have not yet ruled on the question.

POLICY

County MH/MR Administrators are directed to establish policies providing for documentation of all decisions associated with applications for service and termination of service. The granting of one service does not relieve the County Programs from the following requirements whenever another service is denied or terminated. Further, these policies are to provide that:

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

MH Community Program Manager
MR Regional Program Manager

1. All clients receive a timely, written response to their application for services and timely, written notice of intention to terminate service. A copy of the written response or notice shall be retained in the client's file.
2. The response contain a statement why any portion of the application could not be granted and a notice of termination shall contain a statement why the service is being terminated (e.g., client not eligible for MH or MR services, services are not appropriate, no positions in a program are available for the applicant, the applicant is not a resident of the county, or other appropriate reasons). The response or notice of termination shall inform the client of the availability of the review procedures set forth below.
3. Without excluding additional review provided by the County Programs, at a minimum each applicant denied any services or client whose services are being terminated may seek review of the denial or decision to terminate service by the County Administrator or the Administrator's designee. The person conducting the review should not have participated in the application or termination at issue, as the goal is to provide a fair, impartial review.
4. At the review before the County Administrator or designee, the client will be given an opportunity to be present, present any documentation in support of the client's position, present and question witnesses, and be accompanied by other persons to assist in the presentation. The person who made the decision under review will also be present and may be questioned by either party. Any relevant information or witnesses may be presented at this review by the county. The entire review meeting will be tape-recorded by the Administrator or his designee at no expense to the client and the tape retained by the Administrator. Either party may have the meeting transcribed from the tape at his own expense.
5. The decision of the Administrator (or designee) shall be made promptly in writing and contain a statement of the findings and reasons for the decision, including reasons why the services sought by the client will not be provided as requested or why the termination decision was upheld and what criteria were applied. A copy of the decision will be provided promptly to the client and to the client's representative, if there is one, by mail or by personal service.

Procedural safeguards developed by the individual County MH/MR Programs will be reviewed as part of the county management compliance review process.