



# Disability Law Center's Self-Advocacy Materials

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## Rights in Facilities

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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### Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

## How to File a Complaint with the Massachusetts Department of Mental Health

### You Will Learn About:

- Who can file a DMH Complaint
- Where to file a DMH Complaint
- What happens after filing the Complaint

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

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# How to File a Complaint with DMH

If you want to complain about something that happened to you when you were staying at a psychiatric unit or hospital, or a group home, this flyer can help you learn about the process. Keep in mind, this complaint process is for things that happen in a hospital or group home that give services to people with mental illness and/or clients of the Department of Mental Health (DMH).

## Who can file a DMH Complaint?

Basically anyone can file a complaint. You, the client or patient, your friends and family, staff at the hospital or group home, other clients, etc.

## Do I have to do it all by myself?

No. If you would like to file a complaint and you do not feel comfortable doing it all by yourself, you can ask staff or the Human Rights Officer for help getting a complaint form and also writing your complaint and getting it to the right person. You can also ask the human rights officer for help finding an advocate or attorney and the human rights officer should be able to give you information on where to call.

## Can I get in trouble for filing a complaint?

No one should get in trouble for filing a complaint. If you think you are getting treated differently for filing a complaint, you can report that to the human rights officer too.

## What are the things I can complain about?

You can complain about anything that **you believe** is dangerous, illegal or inhumane. Another word for 'inhumane' is 'cruel'. So if something is going on or happening to you, that you believe is cruel, you can complain. You can also complain if what is happening to you goes against your rights.

## How do I file a complaint?

You can file a complaint by filling out a DMH Complaint Form which should be available to you on the unit, and/or by asking staff or the human rights officer. You can fill out the complaint yourself or ask someone for help if you prefer.

## Where do I file a complaint?

If you are in a hospital or group home, you can give the complaint to the human rights officer or other staff you trust, and they will file it directly with the Person in Charge, or Director of the program.

It can also be mailed to:

Department of Mental Health  
Central Office of Investigations  
25 Staniford Street  
Boston, MA 02114

## What happens after I file the complaint?

After you file the complaint, the person in charge decides how it will be resolved. There are three possible ways for complaints to be resolved:

1. The complaint is considered **very serious** and can be sent to the DMH Office of Investigations for a detailed investigation with help from outside the hospital or program. Some types of incidents that are considered **very serious** are:
  - Suspicious death
  - Sexual assault or abuse
  - Physical assault or abuse that results in serious physical harm
  - Attempted suicide
  - Felony
  - Serious physical injury resulting from a restraint or seclusion
2. The complaint is considered somewhat serious but can be decided within the hospital or program through a process called Administrative Review.
3. The complaint is considered somewhat serious but instead of going through the Administrative Review process, it goes through an inside process called 10-day fact finding.

All of these ways of resolving the complaint require that your complaint be assigned a Public Log Number and documented. Also, the person who is assigned to investigate or look into the complaint should meet with you, the person complaining, and anyone else who might have information that will help resolve the complaint as soon as possible after the complaint is filed. The human rights officer is allowed to attend the meeting with you, if you wish to have him or her there. You can always decide not to meet with the person who is assigned to investigate the complaint.

## When and how do I get a decision about my complaint?

Depending on the type of investigation done, the timeline for receiving a decision will vary. But no matter what type of complaint you file, you should always get a decision or notice in writing as soon as possible after the investigation, administrative review, or fact-finding is complete. You can check with the hospital or program's human rights officer if you want to find out the status of your complaint.

## What can I do if I don't like the decision?

When you receive a decision or notice in writing, it should always include an explanation of your right to request a Reconsideration or an Appeal. You can choose to do either of those or one first and then the other. You always have up to 10 days from when you receive your decision, to file your Request for Reconsideration or your Appeal. Once you receive this decision, it might be final if it's signed by the Deputy Commissioner, Chief of Staff or Commissioner of DMH.