

Children's Issues Series: Department of Mental Health

DEPARTMENT OF MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS: OVERVIEW OF ELIGIBILITY CRITERIA, APPLICATION PROCEDURE, AND SERVICES PROVIDED

SUMMARY PREPARED FOR THE CHILDREN'S LAW SUPPORT PROJECT BY DEBORAH FILLER, SENIOR STAFF ATTORNEY, GREATER BOSTON LEGAL SERVICES, NOVEMBER 2012

Overview

The Department of Mental Health (DMH) provides some state-funded case management and mental health treatment and support services for children and adolescents under the age of 19. Since the 2009 implementation of MassHealth-funded Children's Behavioral Health Initiative (CBHI) services <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/cbhi/>, which are intended to be comprehensive, home-based mental health services for MassHealth-eligible children with "serious emotional disturbance", and in light of DMH's significant budget cuts, DMH has prioritized most of its agency-funded *non-residential* mental health services for children and adolescents who *do not* qualify for CBHI services (e.g. children with serious emotional disturbance without MassHealth eligibility). CBHI-eligible children who meet DMH's clinical eligibility criteria may still qualify for DMH's limited residential treatment programs. There are reportedly variations among the different DMH geographic regions regarding what kinds of services DMH provides. DMH has different geographically-based contracts with vendor agencies and varying resources available through its regional offices.

Additionally, other important points to keep in mind when applying for DMH services¹:

- Access to services depends on the availability of the particular service;
- Many services have waitlists;²
- Short term services intended to address immediate, urgent needs may be provided while an eligibility application is pending;³
- Individuals are prioritized for services based on the urgency of their need;

¹ http://www.mhla.org/Docs/dmh_5_services.pdf

² If a child's condition gets worse after the child has been placed on a waiting list for any particular service, it is important to call the agency with an update. This may move the child up on the waiting list.

³ 104 CMR 29.04(1)(g). These services are available for up to 60 days. During this period, the application shall be considered "pending." 104 CMR 29.04(1)(g). *See also* <http://www.mass.gov/eohhs/docs/dmh/services/application-process.doc> at 4.

- Assignment of a case manager is not a prerequisite for receipt of any DMH services;
- All services are voluntary.

Who is Eligible?

To meet the **clinical eligibility criteria to receive DMH services** as a **child or adolescent**, the youth must be **18 $\frac{3}{4}$ years old or younger** at the time of application and have a **serious emotional disturbance** which:

1. has lasted, or is expected to last, at least one year; *and*
2. has resulted in functional impairment that substantially interferes with or limits the child's or adolescent's role or functioning in family, school or community activities; *and*
3. meets diagnostic criteria specified within the *Diagnostic and Statistical Manual of Mental Disorders*, (4th ed., text revision), *but is not solely within one or more of the following non-qualifying categories*:
 - a. developmental disorders usually first diagnosed in infancy, childhood or adolescence, such as intellectual disability or pervasive developmental disorders; or
 - b. cognitive disorders, including delirium, dementia or amnesia; or
 - c. mental disorders due to a general medical condition not elsewhere classified; or
 - d. substance-related disorders.⁴

DMH's clinical eligibility criteria ("serious emotional disturbance") for youth are broader, and qualitatively different than its more restrictive clinical eligibility criteria for adults ("serious and long term mental illness"). Therefore, there are some children and adolescents who may qualify for DMH services as minors, but then may be deemed clinically ineligible for DMH's adult services.⁵

Additionally, [confusingly] there are different application procedures and clinical eligibility criteria that may be used for DMH's "Transitional Age Population" ages 18 through 18 $\frac{3}{4}$, and then for ages 18 $\frac{3}{4}$ through age 19.

Between age 18 through 18 $\frac{3}{4}$:

⁴ 104 CMR 29.04(2)(b).

⁵ DMH provides different services for adults, utilizing different clinical eligibility criterion and different application procedures. See e.g. http://www.mhlac.org/Docs/dmh_2_applying_for_services.pdf. Some young adults between the ages of 19-22 who still qualify for special education services may also qualify for DMH adult services.

1) an Adult Application is completed; if the applicant meets adult clinical criteria, his or her application may be approved for either adult or child/adolescent services. The DMH Area Director or designee will consider the applicant's developmental status in determining service need; or

2) an Adult Application is completed; if the applicant does not meet adult clinical criteria, then the application is forwarded for a child/adolescent determination. If the applicant meets child/adolescent clinical criteria, his or her application may be approved for either adult or child/adolescent services until the applicant turns 19. The DMH Area Director or designee will consider the applicant's developmental status in determining service need.

Between age 18 $\frac{3}{4}$ through age 19:

1) an Adult Application is completed; if the applicant meets adult clinical criteria, his or her application may be approved for either adult or child/adolescent services. The Area Director or designee will consider the applicant's developmental status in determining service need; or

2) an Adult Application is completed; if the applicant does not meet adult clinical criteria, then the application is NOT forwarded for a child/adolescent determination and the application is denied.⁶

What Services Does DMH Offer for Children and Adolescents?

DMH offers its child and adolescent consumers:⁷

- Case Management services;
- Home-based family stabilization and support services for 3-6 months (in most geographic regions these services are primarily reserved for non-CBHI eligible children and their families because MassHealth funds similar services for CBHI-eligible youth);
- Adolescent Day Treatment;
- Therapeutic afterschool programs for latency age children;
- Young Adult Vocational Training programs;
- Short term (the goal ordinarily is six months or less) residential treatment programs for latency age youth (ages 6-12); adolescents (ages 13-18); and transition age youth (ages 18-21);⁸
- peer mentoring and support groups.

⁶ Further explained in a document on DMH's website entitled "Interpretative Guidelines for 104 CMR 29.00: Determining Service Authorization for Children, Adolescents and Adults (Revised Dec. 1, 2011). <http://www.mass.gov/eohhs/docs/dmh/services/interpretive-guidelines.doc>.

⁷ Not all services are offered in all geographic regions, and all services are subject to change due to budget cuts and other system changes.

⁸ DMH's policy is to move away from placing children and adolescents in long term residential treatment programs, though this can sometimes be obtained through advocacy and/or through the child's special education entitlement. In some cases, DMH may pay for the residential component of a residential/educational therapeutic placement, while the school system pays for the education component.

What Inpatient Treatment Services Does DMH Offer for Children and Adolescents?

DMH offers the following inpatient treatment services to its minor clients:

- latency age and adolescent inpatient facilities;
- inpatient intensive residential treatment programs (IRTPs) serving youth ages 13-18. If a youth turns 19 while already in an IRTP, he or she may remain there until he or she has finished his or her course of treatment.⁹ Access is dictated by DMH regulation.¹⁰

Youth age 18 and older ordinarily receive inpatient services on adult inpatient psychiatric units operated or licensed by DMH.¹¹

What is the DMH Transition Age Youth Initiative?

The DMH Transition Age Youth Initiative focuses on young adults between the ages of 16 and 25 who are transitioning out of child/adolescent agency services and into adult services or into the community. This Initiative includes young adults entering the DMH adult service system for the first time, as well as those aging out of foster care or juvenile justice. The purpose of this Initiative is to help transition age youth progress toward the goals of personal stability, community housing and employment, and positive youth and family relationships.

A system of transition age programming has been built upon the DMH child/adolescent and adult systems and has adopted the following guiding principles:

- Youth Voice (including those who are racially, ethnically and culturally diverse) will guide system development through relationship development, person-centered planning and a focus on the future;

⁹ 104 CMR 27.04(2)(a).

¹⁰ 104 CMR 27.04(2)(b),(c),(d).

¹¹ In most instances, youth under age 19 may not be admitted to adult inpatient units run or licensed by DMH. 104 CMR 27.05(7). An exception exists when a judge of a court of competent jurisdiction has issued an order for the commitment of the individual to a mental health facility pursuant to the provisions of M.G.L. c. 123, §§ 15, 16, 17, or 18, or where the individual has been committed to the Department of Youth Services, and the Commissioner or designee has determined that one or both of the following factors exist: 1. placement of the individual on an adolescent inpatient unit would create a likelihood of serious harm to the individual or others; or 2. the individual is in need of stricter security than is available on an adolescent unit. 104 CMR 27.05(7)(a). Another exception is when admission is to the Commonwealth Research and Evaluation Unit at Erich Lindemann Mental Health Center, which may admit individuals under the age of 19 provided that the Units ensure appropriate separate physical space and programmatic services for them, as approved by the Commissioner. 104 CMR 27.05(7)(c).

http://www.mhlac.org/Docs/dmh_5_services.pdf

- Priority development of evaluated promising practices that focus on rehabilitation/recovery and skill development in identified key domains;
- Collaboration with community resources;
- Readily available access to health care and treatment, educational entitlements and peer mentoring, rehabilitation and recovery programming, vocational and social skill development and housing and employment support;
- Culturally responsive family psycho-education, training and support;
- Program outcome tracking and monitoring;

How Does One Apply for DMH Child/Adolescent Services?

DMH has a document titled “Interpretive Guidelines for 104 CMR 29.00: Determining Service Authorization for Children, Adolescents and Adults (Revised Dec. 1, 2011)¹², which describes the DMH application process and answers the following questions:

- Who May Apply?
- Where Can An Application be Submitted?
- When is an Application Complete?
- When Will a Decision be Made?
- When is an Application Considered Withdrawn?
- When are Short-Term Services Indicated?

The DMH Application for Child/Adolescent Services is available, with its instructions, on DMH’s website at <http://www.mass.gov/eohhs/docs/dmh/forms/form-ca-application.pdf> .

The Appeal Guidelines are described in a separate document at <http://www.mass.gov/eohhs/docs/dmh/publications/appeal-guidelines.pdf> .

Both the DMH Application for Child/Adolescent Services and the Appeal Guidelines are also available at these links in Spanish, Portuguese and Haitian-Creole.

¹² <http://www.mass.gov/eohhs/docs/dmh/services/interpretive-guidelines.doc>