

April 24, 2006

To: Administrators of Assisted Living Facilities

From: Catherine Cobb, Director of Licensing and Regulatory Services  
Sharon Sprague, Acting Director of Adult Mental Health Services

Re: Rule Change re Grievance Process In Assisted Living Facilities

The AMHI Consent Decree (Bates v. DHHS) was resolved in a Settlement Agreement, signed in August of 1990, between the Superior Court of Maine and The Department of Human Services and The Department of Mental Health and Mental Retardation in response to a class action suit filed on behalf of mental health consumers who were inpatients at Augusta Mental Health Institute from January 1, 1988 to the present. The intent of the Settlement Agreement is to assure the provision of a comprehensive mental health service system that will meet the individualized needs of all consumers. The rule change described below was made in response to a recent clarification of the AMHI Consent Decree Settlement Agreement regarding the grievance process.

A recent licensing rule change requires an addition to the grievance process for class members at your assisted living facility. Currently assisted living facility providers who provide mental health services comply with a grievance process as defined in DHHS Rights of Recipients of Mental Health Services. Assisted living facility providers who do not provide mental health services are subject to DHHS Regulations Governing the Licensing and Functioning of Assisted Housing Programs. These DHHS Regulations include requirements for a grievance process and authorize DHHS to investigate complaints regarding alleged violations or noncompliance with the rules. However, assisted living facility providers who do not provide mental health services currently do not address alleged violations of the Settlement Agreement as they apply to class members.

The licensing rule change will require that assisted living facility providers who do not provide mental health services will provide a grievance process covering claims by class members that the provider has allegedly violated the terms of the Settlement Agreement or any other applicable law or regulation. Assisted living facility providers who do not provide mental health service will be required to employ a grievance process as defined in DHHS Rights of Recipients of Mental Health Services. This process will require providers to notify all class members at their facility regarding their rights under Rights of Recipients of Mental Health Services. Each class member should be given a copy of the Rights of Recipients of Mental Health Services upon admission to the facility. Also, class members

should be advised that they can contact Disability Rights Center if they require assistance or advocacy in filing a grievance. Contact information:

Disability Rights Center of Maine

24 Stone Street

P. O. Box 2007

Augusta, ME 04338-2007

Phone and TTY: (207) 626-2774 or 1-800-452-1948 Fax: (207) 621-1419

Enclosed please find a copy of the Rights of Recipients of Mental Health Services Grievance Manual. This manual outlines the steps that your facility must follow to be in compliance with the rule that governs this grievance process. Also, a brief summary of the grievance process is included to help providers understand the levels of grievance and appeal within this grievance process.

If you have questions regarding this rule change please call Peter Mauro, Assistant Director, Division of Licensing and Certification, Community Services Program. Contact information:

Phone: (207) 287-9254

Toll Free: (800) 791-4080

Fax: (207) 287-9252

TTY: (888) 720-1925