

By Mrs. Parente of Milford, petition of Marie J. Parente and other members of the General Court for legislation to establish a fair hearings and grievance process in the Department of Social Services, Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT TO ESTABLISH A FAIR HEARING AND GRIEVANCE PROCESS
IN THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted by the Senat' and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Any person who is dissatisfied with certain actions or inactions
2 by the department or a provider under contract with the depart-
3 ment shall have the right to appeal such matters through a fair
4 hearing process. The hearing shall provide said person with all
5 information requested relevant to the case and adequate
6 opportunity to present his or her position, and shall provide the
7 person with a just and fair decision from an impartial hearing
8 officer based on the facts of the case and applicable department
9 regulations.

10 Prior to a fair hearing, the person requesting said hearing shall
11 have adequate access to reports and records of the department
12 concerning the case. At least twenty days prior to the hearing date,
13 the person requesting the hearing and all other involved parties
14 shall receive the following in writing:

- 15 (a) an explanation of the hearing process;
- 16 (b) a description of the rights of all parties regarding the
17 hearing process;
- 18 (c) a notification of the availability of a pre-hearing mediation
19 session, where in the matters of concern may be resolved infor-
20 mally with appropriate members of the department, without the
21 need for a fair hearing.

22 Any decisions resulting from either a pre-hearing mediation
23 session or a fair hearing, any explanatory comments provided by

24 the fair hearing officer, and any written response by the person
25 requesting the hearing shall be included in the case record of the
26 department.

27 Any information which contradicts the final decision of a
28 hearing officer or of the parties involved in an informal mediation
29 session shall be struck from the Central Registry and from the
30 case record of the department.