

10.10 FAMILY PLANNING ADMINISTRATIVE RULES

The Current Administrative Rules of Montana (ARM) for family planning are as follows:

- 37.19.101 Definitions
- 37.19.102 Investigation of Complaints
- 37.19.103 Investigation and Audit Reports, Probationary Status
- 37.19.104 Family Planning Program Termination Procedures

37.19.101 DEFINITIONS As used in this subchapter, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in Title 2, Chapter 15, Part 21, MCA.

(2) "Local board" means a governmental unit or private contractor which administers a local family planning program and with which the department has entered into an agreement to provide family planning services.

(3) "Local family planning program" means a program administered by a local board which has entered an agreement with the department and is organized pursuant to the Family Planning Services and Population Research Act of 1970, as amended (42 U.S.C. Sec. 300, et seq.) and federal regulations governing grants for family planning services (42 CFR Part 59).

(4) "Project director" means the individual assigned by a local board to have responsibility for the day-to-day management and administration of a local family planning program on behalf of the local board. (History: Sec. 50-1-202(9), MCA; **IMP**, Sec. 50-1-202(9) and (16), MCA; **NEW**, 1985 MAR p. 1332, Eff. 9/13/85; **TRANS**, from DHES, 2001 MAR p. 398.)

37.19.102 INVESTIGATION OF COMPLAINTS (1) Upon receiving a written, signed complaint alleging that a local family planning program has violated federal regulations or has committed fraud, the department will conduct an investigation or audit.

(2) If the complainant requests confidentiality, the complainant's name will remain confidential during the department's investigation.

(3) The investigation may include unannounced site visits and interviews with local program staff, as appropriate. (History: Sec. 50-1-202(9), MCA; **IMP**, Sec. 50-1-202(9) and (16), MCA; **NEW**, 1985 MAR p. 1332, Eff. 9/13/85; **TRANS**, from DHES, 2001 MAR p. 398.)

37.19.103 INVESTIGATE AND AUDIT REPORTS; PROBATIONARY STATUS (1) Within 45 days following completion of an investigation initiated pursuant to ARM 37.19.102, or of a routine program audit conducted by the department, the department will send a written report to the local board or project director. If the department's investigation has revealed significant program deficiencies, the report shall identify such deficiencies and notify the local board or project director that the local program has been put on probation.

(2) The local board and project director will be given one month to correct the deficiencies. The notice of probationary status will indicate that if the deficiencies have not been corrected by the end of the one month probationary period, termination procedures will be initiated. (History: Sec. 50-1-202(9), MCA; **IMP**, Sec. 50-1-202(9) and (16), MCA; **NEW**, 1985 MAR p. 1332, Eff. 9/13/85; **TRANS**, from DHES, 2001 MAR p. 398.)

37.19.104 PROGRAM TERMINATION PROCEDURES (1) Except as provided in section (3), upon a finding of major uncorrected program deficiencies as set forth in ARM 37.19.103, the department will notify the local board and project director of its intent to terminate the local program. This notice will identify the program deficiencies upon which the termination action is based, and will offer the opportunity for the local program to request an informal reconsideration before the department to contest the termination decision. Such request for an informal reconsideration must be received in writing by the department no later than two weeks after issuance of the notice of intent to terminate.

(2) If a timely request for an informal reconsideration is received, the reconsideration will be held within 30 days following the receipt of the request. Such informal reconsideration shall be conducted in accordance with procedures specified for informal reconsiderations in ARM 37.5.305, and is not subject to the contested case provisions of the Administrative Procedures Act (Title 2, Chapter 4, MCA), or except as provided in this rule, the provisions of ARM 37.5.304, 37.5.307, 37.5.325, 37.5.328, 37.5.331, 37.5.334 and 37.5.337. The department's final decision on termination will be made within 30 days following the reconsideration. The final decision will be accompanied by a brief statement of the department's findings.

(3) Notwithstanding the provisions of ARM 37.19.103 and this rule, upon a determination by the department that serious program deficiencies constitute an imminent threat to the health, safety or well-being of the program's clients, the department may institute emergency termination procedures without first having completed the procedures set forth in ARM 37.19.103 and this rule. In such a case, the notice of intent to terminate may, if appropriate, include notification that the department will discontinue program funding within five days following receipt of the notice, pending final action on the termination decision. (History: Sec. 50-1-202(9), MCA; **IMP**, Sec. 50-1-202(9) and (16), MCA; **NEW**, 1985 MAR p. 1332, Eff. 9/13/85; **AMD**, 2000 MAR p. 1653, Eff. 6/30/00; **TRANS**, from DHES, 2001 MAR p. 398.)