



ADMINISTRATIVE
RULES OF
MONTANA



ADMINISTRATIVE RULE OF MONTANA
HEALTHCARE FACILITIES
37.106 Subchapter 25
Retirement Homes

RULE

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37.106.2501 RETIREMENT HOMES: DEFINITIONS

In addition to those definitions in 50-5-101 , MCA, the following definitions apply to this subchapter:

- (1) "Bedding" means mattresses, box springs, mattress covers, mattress pads, sheets, pillow slips, pillows, pillow covers, blankets, comforters, quilts and bedspreads.
- (2) "Building authority" means the building codes bureau, Montana department of labor and industry, or a local government building inspector enforcing a local building code enforcement program certified by the department of labor and industry.
- (3) "Fire authority" means the state fire marshal or the state fire marshal's authorized agent.
- (4) "Fixtures" means a shower, bathtub, toilet, toilet seat, urinal, lavatory, kitchen sink, janitor and custodial sink, utensil sink and all exposed plumbing integral to them.
- (5) "Floors" means sub-flooring and floor coverings of all rooms including stairways, hallways, and lobbies.
- (6) "Furnishings" includes, but is not limited to, cups, glasses, pitchers, utensils, draperies, curtains, blinds, light fixtures, lamps and lamp shades, chairs, tables, desks, shelves, books, magazines, bookcases, dressers, bedsteads, mattress springs other than box springs, towels, wash cloths, soap, toilet tissue, radios, television sets, coffee makers, water heaters, pictures, mirrors, cabinets, closets and refrigerators.

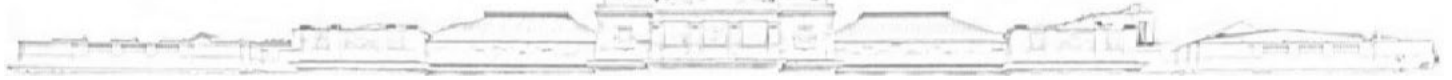
Authorizing statute(s): Sec. 50-5-103, MCA

Implementing statute(s): Sec. 50-5-103 and 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.



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37.106.2502 RETIREMENT HOMES: APPLICATION OF OTHER RULES

- (1) To the extent that other licensure rules in ARM Title 37, chapter 106, subchapter 3 conflict with the terms of this subchapter, the terms of this subchapter will apply to retirement homes.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1100, Eff. 2/22/25.



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37.106.2505 RETIREMENT HOMES: FIRE AND BUILDING CODES APPROVAL

- (1) The construction of or alteration, addition, or renovation to a retirement home must meet the requirements set forth in ARM 37.106.302.
- (2) A retirement home must be inspected and certified on an annual basis for compliance with the local and state fire codes by the fire authority. A retirement home must maintain a record of such inspection and certification for at least one year following the date of the inspection.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1100, Eff. 2/22/25.



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37.106.2506 RETIREMENT HOMES: POOLS, SPAS, AND OTHER WATER FEATURES

- (1) The construction and operation of any swimming pool, spa, or other water feature, which serves a retirement home must comply with the licensing procedures and requirements of Title 50, chapter 53, MCA, and ARM 37.115.102, 37.115.103, and 37.115.106.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2010 MAR p. 80, Eff. 1/15/10; AMD, 2018 MAR p. 2216, Eff. 1/1/19.



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37.106.2510 RETIREMENT HOMES: PHYSICAL REQUIREMENTS

- (1) A retirement home must comply with the local and state building code and fire code.
- (2) A retirement home must comply with the following physical requirements:
 - (a) There must be adequate and convenient janitorial facilities including a sink and storage area for equipment and chemicals.
 - (b) Floors and walls in toilet and bathing rooms, laundries, janitorial closets, and other rooms subject to large amounts of moisture, must be smooth and non-absorbent.
 - (c) The floor mounted and wall mounted furnishings must be easily moveable to allow for cleaning or mounted in such a manner as to allow for cleaning around and under such furnishings.
 - (d) Bathing facilities must be equipped with:
 - (i) anti-slip surfaces; and
 - (ii) handicapped grab bars, capable of supporting a concentrated load of 250 pounds.
- (3) Each bedroom in a retirement home must include:
 - (a) floor to ceiling walls;
 - (b) one door which can be closed to allow privacy for residents;
 - (c) at least one operable window; and
 - (d) access to a toilet room without entering through another resident's room.
- (4) If a retirement home elects to provide furnishings as part of its services, the retirement home must provide in each bedroom an adequate closet or wardrobe, bureau or dresser or its equivalent, and at least one armchair, for every two residents.
- (5) Traffic to and from any room shall not be through a resident's bedroom.
- (6) No occupied room shall have as its means of access a trap door, ladder, or folding stairs.
- (7) No required path of travel to the outside shall be through rooms that are subject to locking or otherwise controlled by a person other than the person seeking to escape.
- (8) No more than two residents may reside in a single bedroom.

- (9) Exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, or vestibules, each single bedroom must contain at least 100 square feet, and each multi-bedroom must contain at least 80 square feet per bed.
- (10) With respect to any conditions in existence prior to July 4, 1996, any requirement of this rule may be waived at the discretion of the department if:
 - (a) physical limitations of the retirement home would require disproportionate expense or effort to comply with a requirement, with little or no increase in the level of safety to the residents and staff; or
 - (b) compliance with a requirement would involve unreasonable hardship or unnecessary inconvenience, with little or no increase in the level of safety to the residents and staff.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1100, Eff. 2/22/25.



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37.106.2511 RETIREMENT HOMES: ENVIRONMENTAL CONTROL

- (1) Hand cleansing soap or detergent and individual towels must be available at each sink in food preparation areas and commonly shared areas of the facility. Towels for common use are not permitted.
- (2) A waste receptacle must be located near each sink.
- (3) A minimum of 10 foot-candles of light must be available in all rooms, with the following exceptions:
 - (a) All reading lamps must have a capacity to provide a minimum of 30 foot-candles of light;
 - (b) All toilet and bathing areas must be provided with a minimum of 30 foot-candles of light;
 - (c) General lighting in food preparation areas must be a minimum of 30 foot-candles of light; and
 - (d) Hallways must be illuminated at all times by at least a minimum of five foot-candles of light at the floor.

Authorizing statute(s): Sec. 50-5-103, MCA

Implementing statute(s): Sec. 50-5-103 and 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.



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37.106.2512 RETIREMENT HOMES: WATER SUPPLY AND WASTEWATER SYSTEMS

- (1) The retirement home must meet the water supply and wastewater systems requirements in ARM 37.111.110 and 37.111.116.
- (2) If a nonpublic water supply system is used, a retirement home must submit a water sample at least quarterly to a laboratory licensed by the department of environmental quality to perform microbiological analysis of water supplies in order to determine that the water does not exceed the maximum microbiological contaminant levels.
- (3) A retirement home must replace or repair the water supply system serving it whenever the water supply:
 - (a) contains microbiological contaminants in excess of the maximum levels; or
 - (b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.
- (4) Hand sinks and bathing facilities must be provided with water at a temperature of at least 100°F and not more than 120°F.
- (5) Ice must be:
 - (a) obtained from a licensed supplier if it is not made from the retirement home's water supply;
 - (b) manufactured, stored, handled, transported, and served in a manner which is approved by the department or local health authority as preventing contamination of the ice.
- (6) Where open bin ice storage is provided, an ice scoop must be readily available for use by residents or the management and stored either inside the bin or in a closed container protected from contamination.
- (7) Ice storage bins may not be connected directly to any trap, drain, receptacle sink, or sewer which discharges waste or to any other source of contamination. A minimum of a four inches air gap is required between the ice storage bin drain and any waste discharge.
- (8) The department adopts and incorporates by reference ARM 37.111.110, which sets forth requirements for construction and maintenance of water supply systems, and ARM 37.111.116, which sets forth requirements for construction and maintenance of wastewater systems.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1100, Eff. 2/22/25.



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37.106.2514 RETIREMENT HOMES: SOLID WASTE

- (1) In order to ensure that solid waste is safely stored and disposed of, a retirement home must:
 - (a) store all solid waste between collections in containers which have lids and are corrosion resistant, fly tight, watertight, and rodent proof;
 - (b) utilize exterior collection stands for the storage containers, which prevent them from being tipped, protect them from deterioration, and allow easy cleaning below and around them;
 - (c) clean all solid waste containers frequently; and
 - (d) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to an approved landfill site in a covered vehicle or in covered containers.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1100, Eff. 2/22/25.



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37.106.2520 RETIREMENT HOMES: LAUNDRY FACILITIES

- (1) Laundry facilities utilized by a retirement home for laundering of its soiled laundry, including but not limited to bed linen, towels and washcloths, must be provided with:
 - (a) a mechanical washer and hot air tumble dryer. Manual washing and line drying of bed linen, towels and washcloths is prohibited. Dryers must be properly vented to prevent maintenance problems;
 - (b) a hot water supply system capable of supplying water at a temperature of 54 E C (130 E F) to the washer during all periods of use, or if a temperature of 54 E C (130 E F) cannot be attained or maintained, manufacturer documentation showing the cleansing products effectiveness at lower water temperatures by exponentially increasing the time laundry is exposed to the product;
 - (c) a separate area for sorting and storing soiled laundry and folding and storing clean laundry;
 - (d) separate carts for transporting soiled and cleaned laundry; and
 - (e) hand washing facilities including a sink, soap, and disposable towels. A soak sink may double as a handwashing sink.
- (2) Sheets, pillow covers, towels and washcloths must be dried in a hot air tumble dryer or ironed at a minimum temperature of 150 E C (300 E F) .
- (3) Facility staff handling laundry must cover their clothes while working with soiled laundry, use separate clean covering for their clothes while handling clean laundry, and wash their hands both after working with soiled laundry and before they handle clean laundry.
- (4) The provisions of ARM 37.106.2520 do not apply to laundry facilities provided by the retirement home for the personal use of its residents.

Authorizing statute(s): Sec. 50-5-103, MCA

Implementing statute(s): Sec. 50-5-103 and 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.



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37.106.2521 RETIREMENT HOMES: HOUSEKEEPING AND MAINTENANCE

- (1) A retirement home must provide maintenance services. With respect to the provision of maintenance services, and housekeeping services, where a retirement home elects to provide those services to individual residents within their rooms, the retirement home must ensure that:
 - (a) each janitor room is clean, ventilated and free from odors;
 - (b) mop heads, when used, are changed frequently using laundered replacements;
 - (c) toilets, bathtubs, lavatories, and showers are not used for washing and rinsing of mops, brooms, brushes, or any other cleaning devices;
 - (d) the transporting, handling and storage of clean bedding, where provided by the retirement home, is performed in such a manner as to preclude contamination by soiled bedding or from other sources;
 - (e) any cleaner used in cleaning bathtubs, showers, lavatories, urinals, toilet bowls, toilet seats, and floors contains fungicides or germicides;
 - (f) deodorizers and odor-masking agents are not used unless the room in which the agent is used is clean to sight and touch;
 - (g) cleaning devices used for lavatories, showers and bathtubs are not used for any other purpose;
 - (h) dry dust mops and dry dust cloths are not used for cleaning purposes. Dusting and cleaning must be accomplished using treated mops, wet mops, treated cloths, or moist cloths to prevent the spread of soil from one place to another;
 - (i) the retirement home is free of insects, rodents and other vermin;
 - (j) all bedding, towels, and wash cloths, where provided by the retirement home, are clean and in good repair. Bedding, towels, and wash cloths, where provided by the retirement home, must be made available to each resident on a daily or weekly basis;
 - (k) all furnishings, where provided by the retirement home, fixtures, floors, walls, and ceilings are clean and in good repair;
 - (l) cleaning compounds and pesticides are stored, used, and disposed of in accordance with the manufacturer's instructions;
 - (m) glasses, pitchers, ice buckets, and other utensils used for food or drink and provided in units for use by residents are not washed or sanitized in any lavatory or janitor sink. Approved facilities for washing, rinsing, and sanitizing glasses, pitchers, ice buckets, and other utensils

must be provided by the retirement home. In the absence of approved washing facilities, single service utensils must be used; and

- (n) all utensils used for food or drink and provided in units for use by residents are stored, handled, and dispensed in a manner which precludes contamination of the utensil prior to use by a resident.

Authorizing statute(s): Sec. 50-5-103, MCA

Implementing statute(s): Sec. 50-5-103 and 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.



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37.106.2530 RETIREMENT HOMES: RESIDENT REGISTER

- (1) A retirement home must maintain a register of all residents currently residing at the retirement home, noting for each resident, at a minimum, the resident's name and:
 - (a) room or apartment number;
 - (b) date of arrival; and
 - (c) date of departure.
- (2) The register must be kept on the retirement home premises and be available for review and verification by the department during inspections.

Authorizing statute(s): Sec. 50-5-103, MCA

Implementing statute(s): Sec. 50-5-103 and 50-5-214, MCA

History: NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.