



ADMINISTRATIVE  
RULES OF  
MONTANA



ADMINISTRATIVE RULE OF MONTANA  
HEALTHCARE FACILITIES  
Rule Chapter 37.98.102  
Outdoor Behavioral Program

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## ADMINISTRATIVE RULES OF MONTANA

### 37.98.102 DEFINITIONS

The following definitions apply to this subchapter:

- (1) "Administrative office" means the office where business operations, public relations and management procedures take place.
- (2) "Administrator" means the person designated on the facility application or by written notice to the department as the person responsible for the daily operation of the facility and for the daily resident care provided in the facility.
- (3) "Case plan" means an individualized plan of services to be provided to each youth, based on his or her identified treatment needs, designed to help him or her reach treatment goals.
- (4) "Child abuse or neglect" is that as defined at 41-3-102 , MCA.
- (5) "CPR" means cardiopulmonary resuscitation.
- (6) "Contraband" means any item possessed by a youth or found on the program's premises that is illegal by law or expressly prohibited by the program. Such items include, but are not limited to, weapons, illegal or unauthorized drugs, drug paraphernalia, intoxicants and flammable items.
- (7) "Debrief" means to interview youth and staff members following the use of physical restraint, or following any other incident or occurrence in which it is necessary or helpful for the program to obtain information from youth and staff members.
- (8) "Department" means the Montana department of public health and human services.
- (9) "Direct care staff" means program personnel who directly participate in the care, supervision and guidance of youth in an outdoor behavioral program, including the field director, senior field staff and field staff.
- (10) "Expedition" means an excursion undertaken for specific treatment purposes that takes the youth away from the field office.
- (11) "Expedition camp" means a nonpermanent campsite. Youth and staff may move from one expedition camp to another when on expedition.
- (12) "Field office" means the office where all coordination of expedition operations takes place.
- (13) "Global positioning system (GPS) receiver" means a receiver which receives signals from a network of satellites known as the global positioning system, or GPS, which identifies the receiver's location by:

- (a) latitude;
  - (b) longitude; and
  - (c) altitude to within a few hundred feet.
- (14) "High adventure activity" means an outdoor activity provided to youth for the purposes of behavior management or treatment and which requires specially trained staff and special safety precautions to reduce the possibility of an accident or injury.
- (15) "Illegal contraband" means items or substances the possession of which by a youth constitute a violation of state or federal law.
- (16) "Lead clinical staff member (LCS) " is a licensed clinical psychologist, a licensed clinical social worker or a licensed professional counselor. The LCS is responsible for the supervision and overall provision of treatment services to youth in the program.
- (17) "Leave no trace principles" means wilderness and land use ethics designed to minimize the impact of visitors to back country areas.
- (18) "Licensed health care professional" is defined at 50-5-101 , MCA.
- (19) "Mechanical restraint" is any object or apparatus, device or contraption applied or affixed to the youth to limit movement, and includes, but is not limited to:
- (a) handcuffs;
  - (b) leg irons;
  - (c) soft restraints such as cloth ties for limbs or waist, safety vests, hand mitts and protection nets;
  - (d) restraint chairs; or
  - (e) straight jackets.
- (20) "Near miss" means an unplanned, unforeseen or potentially dangerous situation where safety was compromised but that did not result in injury.
- (21) "Nonviolent crisis intervention strategies" mean preventive measures that are used to manage the behavior of the youth and include the use of de-escalation techniques, physical assists and physical restraints.
- (22) "Physical assist" is a behavioral control technique by which a staff member physically aids or supports youth who are not physically resisting.
- (23) "Physical restraint" means any physical method of restricting a person's freedom of movement that prevents the person from independent and purposeful functioning. This activity includes seclusion, controlling physical activity, or restricting normal access to the body.
- (24) "Placing agency" means any corporation, partnership, association, firm, agency, institution or person who places or arranges for placement of any youth with a program.
- (25) "Practitioner" is defined at 50-5-101 , MCA.
- (26) "Program" means outdoor behavioral program as defined at 50-5-101 (40) , MCA.

- (27) "Residential outdoor services" means services provided by a program to youth at designated stationary sites including permanent buildings where the youth reside.
- (28) "Seclusion" is a behavioral control technique involving locked isolation. The term does not include time outs.
- (29) "Serious incident" means:
  - (a) a suicide attempt;
  - (b) the excessive use of physical force by staff;
  - (c) assault of a youth by residents or staff, including sexual assault;
  - (d) injury to a youth which requires medical attention;
  - (e) the death of a youth; or
  - (f) known or suspected abuse or neglect of a youth by staff or youth.
- (30) "Solo experience" means separation of a youth from the group as part of the outdoor therapeutic process, not including a time out.
- (31) "Time out" means imposed separation of a youth from any group activity or contact as a means of behavior management.
- (32) "Wilderness first responder" means a licensed first responder with the medical training course for outdoor professionals as offered by the national association of search and rescue.
- (33) "Youth" means a youth 13 through 18 years of age, who may be admitted to or is a participant in an outdoor behavioral program.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





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**37.98.301 LICENSE APPLICATION PROCESS**

- (1) Application for a license accompanied by the required fee must be made to the Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.
- (2) The application for a license must be made on forms provided by the department and shall include full and complete information as to the identity of:
  - (a) each officer and director of the corporation, if organized as a corporation;
  - (b) each general partner if organized as a partnership or limited liability partnership;
  - (c) name of the administrator and administrator's qualifications;
  - (d) name, address and phone number of the management company if applicable;
  - (e) physical location address, mailing address and phone number of the program; and
  - (f) maximum number of beds in the program.
- (3) The application for a license must also include the program management policies such as:
  - (a) the program statement and description of services;
  - (b) policies for decision making, supervision of staff and consultation;
  - (c) program strategies, policies and procedures;
  - (d) case review policy;
  - (e) admission and discharge policies and procedures;
  - (f) policies and procedures for support services;
  - (g) youth's grievance procedure;
  - (h) transportation policies and procedures;
  - (i) policies for personnel and financial records; and
  - (j) any other policies required by these rules.
- (4) The application for a license must also include the placement agreement intended to be used by the program.
- (5) Every program shall have a distinct identification or name and shall notify the department in writing within 30 days prior to changing such identification or name.

- (6) Each program shall promptly report to the department any plans to relocate the program at least 30 days prior to such a move.
- (7) The current program license must be publicly displayed at the administrative office.
- (8) In the event of a change of ownership, the new owners shall provide the department the following:
  - (a) a completed application with fee;
  - (b) a copy of the fire inspection conducted within the past year;
  - (c) policies and procedures as prescribed in (3) , or if applicable, a written statement indicating that the same policies and procedures will be used;
  - (d) a copy of the placement agreement as outlined in (4) ; and
  - (e) documentation of compliance with ARM 37.98.401.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### 37.98.303 LICENSE RESTRICTIONS

- (1) A license is not subject to sale, assignment or other transfer, voluntary or involuntary.
- (2) A license is valid only for the premises for which the original license was issued.
- (3) The license remains the property of the department and shall be returned to the department upon closing or transfer of ownership. The address for returning the license is Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.304 LICENSE DENIAL, SUSPENSION, RESTRICTION, REVOCATION, OR REDUCTION TO PROVISIONAL STATUS AND HEARING PROCEDURES**

- (1) The department, after written notice to the applicant, may deny an application for licensure upon finding that the applicant has not met the minimum requirements for licensure established by this subchapter, or upon finding that the applicant has made any misrepresentation to the department, either negligently or intentionally, regarding any aspect of its operations or facility.
- (2) The department, after written notice to a licensed program, may suspend, restrict, revoke or reduce to a provisional status a license upon finding that the program is not in substantial compliance with the minimum requirements for licensure established by this subchapter. Suspension or revocation may be immediate if:
  - (a) the department is denied access to the program, to any youth placed in the program by the department, or to any program records;
  - (b) the program has made any misrepresentation to the department, either negligently or intentionally, regarding any aspect of its operations or facility;
  - (c) the program fails to report known or suspected child abuse or neglect as required by 41-3-201, MCA;
  - (d) the initial investigation of a report of child abuse or neglect results in reasonable cause to suspect that a youth in the program may be in danger of harm;
  - (e) the program or any member of its staff has been named as the perpetrator in a substantiated report of abuse or neglect;
  - (f) the program or any member of its staff has violated a provision of this subchapter that resulted in child abuse or neglect; or
  - (g) it is determined on the basis of a department or law enforcement investigation that the program or any member of its staff may pose a risk or threat to the health or welfare of a youth placed in the program.
- (3) Any person denied licensure under the provisions of this subchapter, or whose license has been suspended, restricted, revoked or reduced to a provisional status, may request a hearing as provided in ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.313, 37.5.316, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334 and 37.5.337.

**Authorizing statute(s):** Sec. 50-2-220, MCA

**Implementing statute(s):** Sec. 50-2-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.308 ADMINISTRATIVE POLICIES AND PROCEDURES

- (1) The program shall have established policies and organizational plans clearly defining legal responsibility, administrative authority and responsibility for services to program participants and the community.
- (2) The program shall have written policies for personnel and financial records. The policies shall be furnished to the department with the initial license application.
- (3) The program shall have written position descriptions for all employees which include a description of duties, responsibilities, limitations of authority, and principal measures of accountability and performances.
- (4) The program shall develop policies and procedures for screening, hiring and assessing staff which include practices that assist the employer in identifying employees that may pose a risk or threat to the health, safety or welfare of any resident and provide written documentation of findings and the outcome in the employee's file.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.312 QUALITY ASSESSMENT

- (1) The program shall implement and maintain an active quality assessment program for improving policies, procedures and services. At a minimum, the quality assessment program must include procedures for:
  - (a) conducting youth satisfaction surveys at least annually;
  - (b) maintaining records on the occurrence, duration and frequency of physical assists and physical restraints used; and
  - (c) reviewing, on an ongoing basis, serious incident reports, near misses, grievances, complaints, medication errors, and the use of physical restraints with special attention given to identifying patterns and making necessary changes in how services are provided.
- (2) The program shall prepare and maintain on file an annual report of improvements made as a result of the quality assessment activities specified in this rule.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.315 CONFIDENTIALITY OF RECORDS AND INFORMATION

- (1) All records maintained by a program and all personal information made available to a program pertaining to an individual youth must be kept confidential, and are not available to any person, agency or organization except as specified in (2) through (4) .
- (2) All records pertaining to an individual youth are available upon request to:
  - (a) the youth's parent, guardian, legal custodian, or attorney absent specific and compelling reasons for refusing such records;
  - (b) a court with continuing jurisdiction over the placement of the youth or any court of competent jurisdiction issuing an order for such records;
  - (c) a mature youth to whom the records pertain, absent specific and compelling reasons for refusing specific records; or
  - (d) an adult who was formerly the youth in care to whom the records pertain, absent specific and compelling reasons for refusing such records.
- (3) All records pertaining to individual youth placed by the department are available at any time to the department or its authorized representatives.
- (4) Records pertaining to individual youth not placed by or in the custody of the department must be available to the department for the purposes of licensing, relicensing or investigating the program.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





## ADMINISTRATIVE RULES OF MONTANA

### 37.98.316 REPORTS

- (1) The program shall submit to the department, upon its request, any reports required by federal or state law or regulation.
- (2) The program shall report any of the following changes in writing to the Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953 prior to the effective date of:
  - (a) a change of administrator;
  - (b) a change in location;
  - (c) a change in the name of the program; or
  - (d) any significant change in organization, administration, purposes, programs, or services.
- (3) The program shall report any violation of the requirements of this subchapter to the department within two business days.
- (4) Runaways must be reported immediately to law enforcement and within the next working day to the agency or person who placed the youth.
- (5) Disasters or emergencies which require closure of a residence unit shall be reported to the department within the next working day.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.319 CHILD ABUSE OR NEGLECT AND SERIOUS INCIDENTS

- (1) Each program staff member and employee shall read and sign a statement clearly defining child abuse and neglect and explaining the staff member's responsibility to report all known or suspected incidents of child abuse or neglect.
- (2) Any program staff member or employee who knows or has reasonable cause to suspect that an incident of child abuse or neglect has occurred shall report within 24 hours the known or suspected incident to the program administrator, or a person designated by the program administrator, and to the state child abuse hotline (1 (866) 820-5437) as required by 41-3-201, MCA. The program must fully cooperate with any investigation conducted as a result of the report.
- (3) Each program shall have written procedures for handling any suspected incident of child abuse or neglect including:
  - (a) a procedure for ensuring that the staff member involved does not continue to provide direct care until an investigation is completed; and
  - (b) a procedure for taking appropriate disciplinary measures against any staff member involved in an incident of child abuse or neglect, including, but not limited to:
    - (i) termination of employment;
    - (ii) retraining of the staff member; or
    - (iii) any other appropriate action by the program geared towards the prevention of future incidents of child abuse or neglect.
- (4) Any serious incident involving a youth must be reported within the next working day to the person or agency which placed the youth and to the Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.
- (5) The report must be in writing, and must include:
  - (a) the date and time of the incident;
  - (b) the youth and any staff member(s) involved;
  - (c) the nature of the incident; and
  - (d) a description of the incident and the circumstances surrounding it.
- (6) A copy of the report must be maintained at the program.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.401 ADMINISTRATOR QUALIFICATIONS

- (1) Each program shall employ an administrator. The administrator is responsible for operation of the program at all times and shall ensure 24-hour supervision of the residents. The program administrator is the person ultimately responsible for ensuring that the program is in compliance with applicable licensing rules and ensuring that staff are familiar with and comply with all program policies and procedures.
- (2) The administrator shall meet, at a minimum, the following qualifications:
  - (a) a bachelors degree in a relevant discipline;
  - (b) two years experience working with youth and two years experience in staff supervision and administration;
  - (c) completion of initial staff training; and
  - (d) have evidence of at least 16 contact hours of annual continuing education relevant to the individual's duties and responsibilities as administrator of the program.
- (3) A staff member must be designated to oversee the operation of the facility during the administrator's absence. The administrator or designee shall be in charge, on call and physically available on a daily basis as needed, and shall ensure there are sufficient, qualified staff so that the care, well being, health and safety needs of the residents are met at all times.
  - (a) A designee shall:
    - (i) be age 18 or older; and
    - (ii) have demonstrated competencies required to assure protection of the safety and physical, mental and emotional health of the residents.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.403 STAFF

- (1) A program shall have written personnel policies covering the following items:
  - (a) job qualifications;
  - (b) job descriptions;
  - (c) supervisory structure;
  - (d) fringe benefits;
  - (e) insurance;
  - (f) hours of work; and
  - (g) performance evaluations.
- (2) A program shall maintain records for each employee regarding the following:
  - (a) application for employment;
  - (b) reports from references;
  - (c) record of orientation and ongoing training;
  - (d) reports of health examinations;
  - (e) periodic performance evaluations;
  - (f) copy of current licenses and certifications; and
  - (g) any other employee records required by this subchapter.
- (3) All program staff shall meet the following general qualifications:
  - (a) understand the purpose of the program and be willing to carry out its policies and programs;
  - (b) be physically, mentally, and emotionally competent to care for youth; and
  - (c) be in good general health.
- (4) New employees must receive orientation and training in areas relevant to the employee's duties and responsibilities, including:
  - (a) an overview of the facility's policies and procedures manual in areas relevant to the employee's job responsibilities;
  - (b) a review of the employee's job description;

- (c) services provided by the facility; and
  - (d) youth rights as discussed in ARM 37.98.702.
- (5) A "personal statement of health for licensure form" provided by the department must be completed for each person subject to the requirements of this rule. The form must be submitted to the department with the initial application for licensure and annually thereafter. The "personal statement of health for licensure form" is available at Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.
- (6) The program shall employ, train and supervise an adequate number of staff necessary to ensure proper care, treatment and safety of the residents.
- (7) No staff member, intern, volunteer or other person having direct contact with the youth in the program shall conduct themselves in a manner which poses any potential threat to the health, safety or well being of the youth in care.
- (8) Any staff member, intern, volunteer or other person having direct contact with the youth whose behavior or health status endangers the residents may not be allowed at the program.
- (9) The personal references of all staff must be verified and documented in writing.
- (10) Program volunteers and interns shall:
- (a) be provided orientation and initial training procedures. The training must include orientation on all program policies and procedures;
  - (b) follow written policies and procedures developed by the program defining the responsibilities, limitations and supervision of volunteers and interns;
  - (c) not be included in the staff to youth ratios; and
  - (d) be under the direct and constant supervision of program staff.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.404 PROGRAM PROFESSIONAL STAFF AND QUALIFICATIONS**

- (1) Each program shall employ or contract with professionals to serve as program professional staff members. Program professional staff members must have knowledge of the physical and emotional demands of the program and provide professional services including, but not limited to:
  - (a) admission evaluations;
  - (b) case plan development;
  - (c) assessments;
  - (d) treatment; and
  - (e) rehabilitation.
- (2) At a minimum, each program professional staff must consist of:
  - (a) a licensed health care professional;
  - (b) a licensed mental health professional who may be either a licensed clinical psychologist, a licensed clinical social worker or a licensed clinical professional counselor; and
  - (c) a licensed addiction counselor if the program is treating youth for chemical dependency.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.405 PROGRAM EXPEDITION FIELD DIRECTOR QUALIFICATIONS**

- (1) The staff of each program expedition must include a field director.
- (2) The field director shall be primarily responsible for:
  - (a) the quality of the field activities;
  - (b) coordinating field operations;
  - (c) supervising direct care staff;
  - (d) managing the field office;
  - (e) ensuring compliance with applicable licensing rules; and
  - (f) ensuring that staff members are familiar with all program policies and procedures.
- (3) The field director shall meet, at a minimum, the following qualifications:
  - (a) a bachelors degree in a relevant discipline and a minimum of 30 semester or 45 quarter hours of education in recreational therapy or in a related field, or one year outdoor youth program field experience;
  - (b) a minimum of 40 24-hour field days of program experience or equivalent experience in outdoor programs documented in the individual's personnel file;
  - (c) be capable of preparing reports required by this subchapter, documenting interactions of youth and staff, and ensuring compliance with applicable licensing rules;
  - (d) hold a first response license or equivalent and have additional wilderness first responder training; and
  - (e) completion of an initial staff training.
- (4) If qualified, the administrator may serve as field director.
- (5) Each program shall have a senior field staff member working directly with each group of program youths. Each senior field staff member shall meet the following minimum qualifications:
  - (a) be at least 22 years of age;
  - (b) have an associate degree or high school diploma with 30 semesters or 45 quarter hours education and training or comparable experience and training in a field related to recreation and adventure activities;



- (c) have six months, or 130 24-hour field days of outdoor youth program field experience or comparable experience serving youth with behavior problems that endanger the youth's health, interpersonal relationships, or educational functioning. Such experience must be documented in the individual's personnel file;
  - (d) hold a wilderness first responder license or equivalent and have additional wilderness first responder training; and
  - (e) have completed initial staff training.
- (6) Field staff working directly with the youth shall meet, at a minimum, the following qualifications:
- (a) be at least 22 years of age;
  - (b) have a high school diploma or equivalent;
  - (c) have completed initial staff training; and
  - (d) be certified in CPR annually and currently certified in first aid.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.406 PROGRAM STAFF BACKGROUND CHECKS

- (1) The administrator, staff, volunteers and interns must have a state criminal, a child protective services/adult protective services and if applicable, a tribal criminal and child protective services background check conducted.
  - (a) The department may not grant approval or licensure nor allow a license if the administrator, staff member, volunteer or intern has been convicted by a court of competent jurisdiction of a felony or misdemeanor involving:
    - (i) child abuse or neglect;
    - (ii) spousal abuse;
    - (iii) a crime against a child or children (including child pornography) ; or
    - (iv) a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery.
  - (b) The department shall not grant approval or licensure nor allow a license if any administrator, staff member, volunteer or intern has, within the last five years, been convicted by a court of competent jurisdiction of a felony or misdemeanor involving:
    - (i) physical assault;
    - (ii) battery; or
    - (iii) a felony drug related offense.
- (2) The administrator, staff member, volunteer or intern who is charged with a crime involving children or physical or sexual violence against any person or any felony drug related offense and awaiting trial may not provide care or be present in the facility pending the outcome of the criminal proceeding.
- (3) No administrator, staff member, volunteer or intern shall have been named as a perpetrator:
  - (a) in a substantiated report of child abuse or neglect;
  - (b) in a report substantiating abuse or neglect of a person protected under the Montana Elder and Developmentally Disabled Abuse Prevention Act; or
  - (c) of a person protected by a similar law in another jurisdiction.
- (4) No administrator, staff member, volunteer or intern shall be identified through a department licensing investigation to have negligently or intentionally violated a licensing regulation which results in child abuse or neglect.

- (5) The program is responsible for assuring that the persons covered by this subchapter have met these requirements before providing care.
- (6) No staff member, aide, volunteer or other person having direct contact with the youth in the facility shall pose any potential threat to the health, safety and well being of the youth in care.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.411 STAFF TRAINING

- (1) A program shall have written policies, procedures and training curriculum regarding minimum requirements for initial and ongoing training.
- (2) All direct care staff shall complete a minimum of 40 hours of initial staff training.
- (3) Initial staff training must consist of the following minimum requirements:
  - (a) the program's policy, procedures, organization and services;
  - (b) mandatory child abuse reporting laws;
  - (c) crisis intervention methodologies;
  - (d) fire safety, including emergency evacuation routes;
  - (e) confidentiality;
  - (f) first aid and CPR;
  - (g) suicide prevention;
  - (h) report writing including the development and maintenance of logs and journals; and
  - (i) therapeutic de-escalation of crisis situations and passive physical restraint techniques to ensure the protection and safety of the youth and staff. Training must include the use of physical and non-physical methods of managing youth and must be updated, at least every 12 months, to ensure that necessary skills are maintained.
- (4) Initial staff training shall be completed and documented before the staff person may count in the youth/staff ratio as specified in ARM 37.98.415 and 37.98.1805.
- (5) The program shall provide ongoing training for staff to maintain certifications and improve proficiency in knowledge and skills. Training must be a minimum of 20 hours annually.
- (6) All staff training must be documented and kept on file for each administrator, staff, intern and volunteer.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.415 YOUTH/STAFF RATIOS**

- (1) A program shall maintain the following minimum staff ratios:
  - (a) Youth/staff ratio must be no more than 4:1 each day for a 15-hour period beginning at, or between, 7 a.m. and 7:30 a.m., (or beginning at, or between, some other reasonable morning half hour which is approximately 15 hours prior to the bedtime of the youth) , when youth are in care.
  - (b) Youth/staff ratio for residential outdoor services may not be more than 8:1 each night for a nine-hour period beginning no earlier than 15 hours from the time daytime staffing of 4:1 starts. Staff must be awake during the nine-hour period.
- (2) A program must use the actual number of youth in care each day to compute the youth/staff ratio.
- (3) The youth/staff ratio requirement for the expedition components of the program is contained in ARM 37.98.1805.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.701 YOUTH CASE RECORDS

- (1) A program shall maintain a written case record for each youth which must include administrative, treatment and educational data from the time of the youth's admission until the time the youth leaves the program. A youth's case record must include the following:
  - (a) the name, sex and birth date of the youth;
  - (b) the name, address and telephone number of the parent(s) or guardian of the youth;
  - (c) date of admission and placing agency;
  - (d) if the youth was not living with his or her parents prior to admission, the name, address, telephone number and relationship to the youth of the person with whom the youth was living;
  - (e) all documents related to the referral of the youth to the program as provided by the placing agency;
  - (f) documentation of the current custody and legal guardianship as provided by the placing agency;
  - (g) the youth's court status, if applicable;
  - (h) consent forms signed by the parents or guardian prior to placement that allow the program to authorize all necessary medical care, routine tests, immunization and emergency medical or surgical treatment;
  - (i) health records including medical history and vaccination record as provided by the placing agency;
  - (j) education records and reports;
  - (k) treatment or clinical records and reports;
  - (l) records of special or serious incidents;
  - (m) case plans and related material;
  - (n) social summary current to date of placement;
  - (o) report stating reason for placement;
  - (p) quarterly progress reports on the youth's reaction to the placement and services provided;
  - (q) date of discharge, reason for discharge, and the name, telephone number and address of the person or agency to whom the youth was discharged; and

(r) all other youth records and documentation as required by these rules.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.702 YOUTH RIGHTS

- (1) A program shall develop and maintain a youth's rights policy that supports and protects the fundamental human, civil, constitutional and statutory rights of all youth. These rights shall include, but are not limited to the following:
  - (a) each youth has the right to be free from abuse, neglect and unnecessary physical or chemical restraint;
  - (b) if the program operates during the school year, every youth has the right to educational services in accordance with Montana state law;
  - (c) the dignity of every youth and family must be recognized and respected in the delivery of services;
  - (d) each youth has the right to receive care according to individual need;
  - (e) service must be provided within the most appropriate setting;
  - (f) each youth has the right to personal privacy, and the program must allow privacy for each youth when not contrary to treatment and safety of the youth;
  - (g) contact with the family will be maintained by mail and phone, if accessible, as long as this contact is not contrary to the treatment and safety needs of the youth; and
  - (h) each youth has the right to have his or her opinions and recommendations considered and documented in the development of his or her case plan.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





## ADMINISTRATIVE RULES OF MONTANA

### 37.98.705 PHYSICAL EXAMINATION

- (1) All physical examinations must be completed by an appropriate licensed practitioner. A youth must have a physical examination:
  - (a) within 30 days prior to admission into the program;
  - (b) at least annually after entering the program; and
  - (c) at any time when circumstances indicate that an updated examination would be appropriate.
- (2) The result of the physical examination must be recorded on a standard form provided by the program. The form shall clearly identify to the examining practitioner the type and extent of physical activity which the youth will be asked to participate in.
- (3) The physical examination must include:
  - (a) a complete blood count (CBC) , a urinalysis and an electrolyte screen, if deemed necessary by the examining practitioner;
  - (b) a pregnancy test for each female if deemed necessary by the examining practitioner;
  - (c) a physical assessment to determine the youth's fitness for the climate and temperature in which the youth will be participating and the youth's age, weight and physical condition;
  - (d) a determination of whether detoxification is indicated for the youth prior to entrance into the program;
  - (e) identification of any physical problems which would limit the youth's physical activity;
  - (f) identification of any special care which the youth will need;
  - (g) a record of immunizations as defined in ARM 37.114.701 through 37.114.716. In addition the immunization record must include:
    - (i) evidence of hepatitis A series, if deemed necessary by a practitioner;
    - (ii) evidence of hepatitis B series, if deemed necessary by a practitioner;
  - (h) a history of communicable diseases and serious illnesses or operations the youth has had;
  - (i) identification of any known drug reactions and allergies;
  - (j) identification of medications being taken during the six months prior to the examination, and a description of any possible special needs due to the use of medication in an outdoor, high impact environment;

- (k) identification of any necessary special dietary requirements; and
  - (l) identification of any hereditary health issues that may affect the youth.
- (4) If a youth is in a risk group for circulatory or auto-immune syndrome disorder, written approval must be included on the physical examination form by the practitioner for participation in the program.
- (5) The practitioner conducting the examination must give written approval on the examination form for participation in the program, taking into consideration the factors specified in this rule and any other factors the practitioner deems to be relevant to the youth's participation in the program. The practitioner conducting the physical examination must give separate written approval on the examination form for the youth's participation in the following situations or activities:
- (a) strenuous exercise;
  - (b) exposure to cold and hot temperatures; and
  - (c) activities that may occur in altitudes over 5000 feet.
- (6) A program may not admit a youth who is not approved by the examining practitioner for admission to the program. The program shall comply with all restrictions or limitations placed on a youth by the examining practitioner.
- (7) The original physical examination form must be maintained at the field office and a copy must be carried by staff in a waterproof container when the youth is away from the field office. The physical examination form must be maintained in a manner that assures the confidentiality of all medical and identification information.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.706 ASSESSMENTS

- (1) A program shall have written admission and assessment policies, procedures and forms.
- (2) Prior to enrollment in the program, an admission assessment must be done for each youth by a program professional staff member. This admission assessment must include a review of the youth's social history, psychological history, medical history and physical examination. The assessment must review the following topics:
  - (a) allergies;
  - (b) medications;
  - (c) a record of immunizations as defined in ARM 37.114.701, 37.114.702, 37.114.704, 37.114.705, 37.114.708, 37.114.709, 37.114.710, 37.114.715 and 37.114.716;
  - (d) hospitalizations;
  - (e) medical diagnoses;
  - (f) medical problems that run in the family;
  - (g) pregnancy status and any complications;
  - (h) special dietary needs;
  - (i) illnesses;
  - (j) injuries;
  - (k) dental problems;
  - (l) mental health issues;
  - (m) emotional problems;
  - (n) ongoing medical care needs;
  - (o) history of aggressive or violent behavior;
  - (p) substance abuse history;
  - (q) sexual history or behavior patterns that may place the youth or other youth at risk;
  - (r) known or suspected suicide or self-injury attempts or gestures;
  - (s) emotional history indicating a predisposition for self-injury or suicide; and
  - (t) history of fire setting.

- (3) The program shall establish a minimum body mass index. Body mass for each youth must be assessed to assure that the youth has sufficient body mass to fully participate in the strenuous elements of the program.
- (4) A program professional staff member shall determine at the time of admission if the youth is currently appropriate for placement in the program. The youth may not be admitted if the youth:
  - (a) is determined to be an unsuitable candidate because of a limiting medical factor;
  - (b) requires secure psychiatric attention;
  - (c) requires secure detention; or
  - (d) is an imminent risk of being a danger to self or others.
- (5) A subsequent assessment must be done before the youth leaves for the expedition portion of the program. The subsequent assessment must include the following evaluations:
  - (a) Each youth must be observed by an appropriate program professional staff member trained to identify noticeable evidence of any illness, communicable disease or signs of abuse.
  - (b) Youths that have special medications or treatment procedures, dietetic restrictions, known allergic reactions or any known physical limitation must meet with senior field staff and an appropriate program professional staff member to define special needs and services required while on expedition. On the basis of this evaluation, the program professional staff member shall decide whether the youth will be allowed to enter the expedition portion of the program. A written summary of this evaluation, including special needs of the youth and services required of the expedition staff, must be placed in the youth's file before the youth enters the field.
  - (c) For a youth with a history of mental illness, a psychological assessment must be prepared by an appropriate program professional staff member prior to the youth's entrance into the expedition portion of the program. On the basis of this psychological assessment, the program professional staff member shall decide whether the youth will be allowed to enter the expedition portion of the program. A written summary of this assessment, including special needs of the youth and services required of the expedition staff, must be placed in the youth's file before the youth enters the field.
  - (d) The senior field staff member assigned to the outdoor experience shall interview the youth prior to entrance into outdoor activities to determine the youth's suitability for planned outdoor activities. On the basis of this evaluation, the senior field staff member shall decide whether the youth will be allowed to enter the expedition portion of the program. A written summary of this evaluation must be placed in the youth's file before the youth enters the field.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.707 DEVELOPMENT AND CONTENT OF THE CASE PLAN

- (1) A case plan for each youth must be developed within 14 days of admission and prior to entering into the expedition portion of the program. The case plan team must include at minimum the appropriate members of the program professional staff and the field director. Members of the case plan team shall develop and sign the case plan. The youth's parent, guardian and/or the placing agency staff, along with the youth, if appropriate, must be encouraged to participate in the development of the case plan
- (2) The case plan must address, at a minimum, the following:
  - (a) the youth's physical and medical needs;
  - (b) behavior management issues;
  - (c) mental health treatment methods;
  - (d) addictive disorder treatment methods;
  - (e) education plans;
  - (f) measurable goals and objectives;
  - (g) the responsibilities of the youth and staff for meeting the goals and objectives;
  - (h) the minimum number of hours per week the youth will receive individual and/or group counseling;
  - (i) discharge and aftercare planning, to include referrals to other agencies;
  - (j) type and frequency of therapeutic intervention activities;
  - (k) interventions to be used should the youth refuse to participate in any prescribed activity; and
  - (l) interventions to be used should the youth become a danger to self or others.
- (3) The case plan must be reviewed and updated by the case plan team every 90 days or whenever there is a significant change in the youth's condition. The youth's parent, guardian, and/or the placing agency must be informed that case plan reviews are available for inspection.
- (4) Copies of the case plan must be provided to the senior field staff and placed in the youth's file immediately upon completion or update.
- (5) Copies of the case plan must be sent to the placing agency, and to the parents or legal guardians within 10 days of completion or update.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### **37.98.715 DISCHARGE SUMMARY**

- (1) Within 10 business days of the discharge of a youth from the program, a discharge report must be completed, including:
  - (a) a written summary of services provided, the youth's participation and progress, results of evaluations, condition of the youth, briefings and debriefings, compliance with program policies, procedures and recommendations; and
  - (b) the signature of the staff member who prepared the report and the date of preparation.
- (2) The original discharge report must be maintained by the program in the youth's file, and a copy shall be provided to the placing agency and to the parents or legal guardians within 10 days of completion.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.801 BEHAVIOR MANAGEMENT POLICIES

- (1) A program shall have and follow written behavior management policies and procedures including a description of the model, program or techniques to be used with youth. The program shall have policies addressing discipline, therapeutic de-escalation of crisis situations, nonviolent crisis intervention, and time out. Behavior management must be based on an individual assessment of each youth's needs, stage of development and behavior. It must be designed with the goal of teaching youth to manage their own behavior and be based on the concept of providing effective treatment by the least restrictive means.
- (2) The program shall document that a copy of the written policies has been provided and explained to each youth. A copy of the policies must also be provided to parents, guardians and referral sources upon request.
- (3) The behavior management policies must prohibit:
  - (a) the use of physical force, mechanical, chemical, or physical restraint as discipline;
  - (b) pain compliance, aversive conditioning, and use of pressure point techniques;
  - (c) the placing of anything in or on a youth's mouth;
  - (d) cruel or excessive physical exercise, prolonged positions or work assignments that produce unreasonable discomfort;
  - (e) verbal abuse, ridicule, humiliation, profanity and other forms of degradation directed at a youth or a youth's family;
  - (f) locked confinement or seclusion;
  - (g) withholding of necessary food, water, clothing, shelter, bedding, rest, medical care or toilet use;
  - (h) denial of visits or communication with the youth's family as punishment or discipline. Visits or communication with the youth's family may be limited as specified in the program's design and planned activities, in accordance with the youth's service plan, or by court order;
  - (i) isolation as punishment, except as provided for in the time out provisions of ARM 37.98.803; and
  - (j) any other form of punishment or discipline which subjects a youth to pain, humiliation, or unnecessary isolation or restraint.



- (4) If program policies allow for disciplining a group of youth for actions of one youth, the organization's policies and procedures for behavior management or discipline must clearly prescribe the circumstances and safeguards under which disciplining the group is allowed.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.802 USE OF NONVIOLENT CRISIS INTERVENTION STRATEGIES

- (1) The program shall have written policies and procedures governing the appropriate use of nonviolent crisis intervention strategies, including:
  - (a) the use of de-escalation techniques;
  - (b) physical assists; and
  - (c) physical restraints.
- (2) The nonviolent crisis intervention strategies, policies and procedures must comply with the following:
  - (a) Crisis prevention and verbal and non-verbal de-escalation techniques are the preferred methods and must be used first to manage behavior. All staff working directly with youth must be trained in de-escalation techniques. This training must be documented in each staff member's personnel file.
  - (b) Appropriate use of physical assists occurs when staff members physically aid, support or redirect youth who are not physically resisting. Physical assists include staff leading youth along the trail or moving youth to his or her campsite by gently pulling on a backpack strap, guiding him or her by the hand or elbow, or placing a hand on the youth's back. If a youth resists reasonable staff direction, staff must assess whether the use of physical restraint is warranted based on the program's written physical restraint policy.
  - (c) Physical restraint must be used to safely control a youth until he or she can regain control of his or her own behavior. Physical restraint must only be used in the following circumstances:
    - (i) when the youth has failed to respond to de-escalation techniques and/or physical assists;
    - (ii) when necessary to prevent harm to the youth or others, or to prevent the substantial destruction of property; or
    - (iii) when a youth's behavior puts himself/herself or others at substantial risk of harm and he/she must be forcibly moved.
  - (d) Physical restraint must be used only until the youth has regained control and must not exceed 15 consecutive minutes. If the youth remains a danger to self or others after 15 minutes, the record must include written documentation of attempts made to release the youth from the restraint and the reasons that continuation of restraint is necessary.
  - (e) Physical restraint may be used only by employees documented to have been specifically trained in nonviolent crisis intervention techniques.

- (f) Program policies must prohibit the application of a nonviolent physical restraint if a youth has a documented physical condition that would contraindicate its use, unless a health care professional has previously and specifically authorized its use in writing. Documentation must be maintained in the youth's record.
  - (g) Program policies must require documentation of:
    - (i) the behavior which required the physical restraint;
    - (ii) the specific attempts to de-escalate the situation before using physical restraint;
    - (iii) the length of time the physical restraint was applied including documentation of the time started and completed;
    - (iv) the identity of the specific staff member(s) involved in administering the physical restraint;
    - (v) the type of physical restraint used;
    - (vi) any injuries to the youth resulting from the physical restraint; and
    - (vii) the debriefing completed with the staff and youth involved in the physical restraint.
  - (h) Program policies must require that whenever a physical restraint has been used on a youth more than two times in one week, there is a review by lead clinical staff members to determine the suitability of the youth remaining in the program, whether modification to the youth's plan are warranted, or whether staff need additional training in alternative therapeutic behavior management techniques. The program shall take appropriate action as a result of the review.
- (3) The program shall train staff in the therapeutic de-escalation of crisis situations provided through a nationally recognized training system to ensure the protection and safety of the youth and staff. The training must include the use of physical and non-physical methods of managing youth, and must be updated at least annually to ensure the maintenance of necessary skills.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

---

**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.803 TIME OUT

- (1) Time out must only be used when a youth's behavior is disruptive to the youth's ability to learn, to participate appropriately, or to function appropriately with other youth or the activity and when other de-escalation techniques have failed. Restraint, seclusion, or confinement may not be used as part of time out procedures.
- (2) A staff member must be designated to be responsible for visually observing the youth at random intervals at least every 15 minutes.
- (3) For each time out, a report must be written and placed in the client's file in sufficient detail to provide a clear understanding of the occurrence or behavior which resulted in the youth being placed in time out, and staff's attempts to help the youth avoid time out.
- (4) Youth placed in time out must be re-introduced to the group in a sensitive and non-punitive manner as soon as control is regained.
- (5) If there are more than 10 one hour time outs for a youth in a 24-hour period, or the separation lasts for 24 hours, appropriate lead clinical staff members must conduct a review to determine the suitability of the youth remaining in the program, whether modifications to the youth's plan are warranted, and whether staff need additional training in alternative therapeutic behavior management techniques. The results of the review must be documented and placed in the youth's file. The program shall take appropriate action as a result of the review.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.806 ANIMALS AND PETS**

- (1) A program may make use of domesticated animals or pets as part of a youth's treatment plan, provided that animals and pets are vaccinated, free from disease, not a danger to the youth, and cared for in a safe and clean manner. The program shall have documentation of current vaccinations, including rabies, as appropriate for all animals and pets.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.811 POTENTIAL WEAPONS**

- (1) A program shall have and follow written policy and procedures on management of weapons and potential weapons.
- (2) Firearms must not be allowed in programs.
- (3) Program staff shall inventory knives, hatchets, other edged tools or any item which might pose a danger to youth and complete a daily count of these items against the inventory. Program staff shall supervise youth possession and use of knives, hatchets, other edged tools or any item which might pose a danger to self or others.
- (4) Large animal repellants must be stored under lock and key when not being carried by program staff, and be safeguarded from youth. Youth shall only use large animal repellants under the supervision of staff.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### **37.98.812 CONTRABAND**

- (1) A program shall define prohibited contraband in a written policy.
- (2) Law enforcement must be notified as appropriate when illegal contraband is discovered.
- (3) All contraband that is not illegal must be returned to the youth's parent or guardian, or must be destroyed in accordance with the program's contraband policy. When contraband is disposed of, the disposal must be witnessed by at least two other staff members and must be documented in the youth's case record.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.813 PROGRAM REQUIREMENTS: SEARCHES

- (1) The provisions of this rule apply to all searches by program staff of youth and their personal property, including searches of personal correspondence.
- (2) Youth may not be subjected to a search of the youth's person, personal property or correspondence unless there is reasonable cause to believe that the search will result in discovery of contraband, or unless there is reasonable cause to believe that the search is necessary to alleviate a threat of harm to the youth, other youths, or staff. The facts and circumstances supporting a determination of reasonable cause for the search must be documented in the youth's file.
- (3) Any correspondence search must be conducted in the presence of the youth.
- (4) The program shall adopt policies relating to searches, including pat down searches, personal property searches and correspondence searches. The policies must include the following:
  - (a) a protocol for conducting personal property searches when the youth is not available to be present for the search; and
  - (b) a procedure for documenting all searches, reasons for the search, who conducted the search and the results of the search.
- (5) Youth may not be subjected to any of the following intrusive acts:
  - (a) strip searches;
  - (b) body cavity searches; or
  - (c) video surveillance.
- (6) Youth may be not subjected to urinalysis testing unless the testing has been ordered by a court, is required pursuant to a case plan for monitoring drug or alcohol use, as approved by the parent or legal guardian, or requested by the youth's parent or legal guardian. The following requirements must be met by the program utilizing urinalysis testing:
  - (a) Prior to any testing, the program shall adopt policies which address, at a minimum, procedures for obtaining samples for urinalysis testing.
  - (b) Staff shall document compliance with program policies in connection with each testing.

**Authorizing statute(s):** Sec. 50-5-220, MCA



**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1001 EMERGENCY AND EVACUATION PLANS

- (1) A program shall have and follow a written emergency plan developed in conjunction with emergency services in the community which provides specific procedures for evacuations, disasters, medical emergencies, hostage situations, casualties, missing youth and other serious incidents identified by the program.
- (2) The emergency plan must, at a minimum, include:
  - (a) designation of authority and staff assignment;
  - (b) a specific evacuation plan;
  - (c) provisions for transportation and relocation of program participants when necessary;
  - (d) provisions for supervision of youth after an evacuation or a relocation;
  - (e) provisions for the instruction of all participants on how to respond in the case of an emergency; and
  - (f) provisions for arranging medical care and notifying a youth's physician and parent or guardian.
- (3) When youth are on an expedition:
  - (a) Emergency plan drills must be practiced with youth and staff immediately upon entering the outdoor location and monthly thereafter. Results of the drill must be recorded, showing date, time, staff and youth present with problem areas noted in the log.
  - (b) A program shall have support vehicles for transport of youth from expedition sites during emergencies. The support vehicles and field office must be equipped with first aid equipment.
  - (c) A program shall have provisions for notifying the field office about the nature of the emergency and an accounting of each participant's location and status.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1003 HEALTH CARE

- (1) Medical, dental, psychiatric, psychological, chemical dependency care and counseling must be obtained for the youth as needed.
- (2) Each youth in care must receive an annual physical examination.
- (3) Each youth in care must receive an annual dental examination.
- (4) Provisions for treatment of diseases, remedial defects or deformities, and malnutrition must be made by the program immediately upon the physician's recommendation with notification of the placing agency and parent or legal guardian.
- (5) The program shall develop and follow written policies and procedures to keep youth healthy while in the program. Medical care must be provided to all youth as needed and must be documented in the youth's case records. A signed release for emergency medical treatment from the parent or guardian must be documented in the youth's file.
- (6) First aid treatment must be provided in as prompt a manner as the location and circumstances allow.
- (7) The program shall transport any youth with an illness or physical complaint that needs immediate care or treatment to appropriate medical care.
- (8) Complaints or reports by a youth of illness and injuries must be documented in a daily log along with any treatment provided.
- (9) There may not be any negative consequence imposed on a youth for reporting an injury or illness or for requesting to see a health care professional.
- (10) Youth must be instructed and monitored regularly by staff in matters of personal hygiene.
- (11) The program shall develop and follow written policies and procedures governing emergency medical and dental care.
- (12) The program shall develop a written plan to prohibit:
  - (a) the use of tobacco, alcohol or illegal drugs by youth; and
  - (b) all use of tobacco, alcohol or illegal drugs by employees, volunteers and visitors in any program building or vehicle used by youth and in the presence of youth.
- (13) A program shall develop and follow written policies and procedures governing all aspects of suicide prevention and intervention, which must meet the following criteria:

- (a) The suicide prevention and intervention policies must be reviewed and approved by professional staff members.
  - (b) All staff with responsibility for the supervision of youth must be trained in the implementation of the policies. Documentation of training must be in the staff personnel file.
- (14) Depending on the length of the program and/or whether these needs have been documented to have been met elsewhere, youth must receive age-appropriate health education and instruction regarding teen pregnancy prevention, HIV education and prevention and general information about the prevention and treatment of sexually transmitted diseases. The program shall be in compliance with federal and state guidelines governing sexually transmitted diseases.
- (15) Staff must be trained to recognize eating disorders. This training must be documented in staff records. If the staff suspects the youth has an eating disorder, staff shall report the suspicions immediately to the appropriate program professional staff members.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1004 INFECTION CONTROL

- (1) Each program shall provide, develop and implement an effective infection prevention and control program. The program must develop policies and procedures to evaluate all factors, including, although not limited to, risk evaluations, education and TB screening of employees and residents. The decision to perform regular repeat testing of some employees or residents must be based on data from within the facility, the risk associated with certain procedures performed and the number of infectious cases reported within the county and state.
- (2) A program shall provide a sanitary environment to avoid sources and transmission of infections which must include:
  - (a) separation of infected individuals from other group members;
  - (b) notification of a parent or legal guardian;
  - (c) consultation with a doctor or medical facility, if appropriate for the youth's treatment;
  - (d) notification or consultation with the program's medical director; and
  - (e) proper disinfection of all items used by the infected individual before use by any other person.
- (3) A program shall maintain a record of incidents and corrective actions related to infections.
- (4) A program shall prohibit staff with symptoms or signs of a communicable disease from direct contact with the youth and their food.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1005 MEDICATION STORAGE AND ADMINISTRATION

- (1) A program shall have and follow policies and procedures regarding the storage, administration and disposal of prescription and nonprescription medication.
- (2) Prescription and nonprescription medication must be stored under lock and key and safeguarded from youth in their original containers, labeled with the original prescription label. For medications taken on field outings, all medication must be in the possession of a staff member qualified to assist with the self administration of medications.
- (3) Staff who assist with self administration must be trained in proper medication procedures. Training must be documented in each staff member's personnel file.
- (4) All prescription medications must be ordered by licensed health care professionals working within the scope of their practice. All prescription orders must contain the dosage to be given.
- (5) Psychotropic medication is prohibited unless a licensed health care professional working within the scope of his or her practice determines that the medications are clinically indicated. Under no circumstances may psychotropic medication be given for disciplinary purposes, for the convenience of the staff, or as a substitute for appropriate treatment services.
- (6) There must be a written record of all medications self administered by a youth. The record must include:
  - (a) youth's name;
  - (b) name and dosage of the medication;
  - (c) the date and time the medication was taken or was refused by youth;
  - (d) name of the staff member who assisted in self administration of the medication; and
  - (e) documentation of any medication errors, results of errors and any effects observed.
- (7) Prescribed medication may not be stopped or changed in dosage or administration without first consulting with the prescribing licensed health care professional. Results of the consultation must be recorded in the youth's record. The licensed health care professional shall document in writing any changes to medication. This documentation must be kept as part of the youth's case record.
- (8) All unused and expired medication must be disposed of. The disposal of unused medication must be done by two licensed health care professionals, and the disposal must be recorded in a medication destruction log.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1010 SAFETY POLICY

- (1) A program shall have appropriate written safety procedures and equipment.
- (2) Each youth must have instruction on environmental hazards and precautions.
- (3) There must be a first aid kit with sufficient supplies available at all times. A kit must:
  - (a) be readily available on site as well as in all vehicles;
  - (b) meet the standards of an appropriate national organization for the activity being conducted and the location and environment being used;
  - (c) be reviewed by the field director with new staff for contents and use;
  - (d) be reviewed at least annually by the field director with all staff for contents and use; and
  - (e) be inventoried by the field director after each expedition and restocked as needed.
- (4) Policies and procedures must be in place for the safe use and storage of fuels and all heat sources, including inaccessibility to youth when not being used under the direct supervision of staff.
- (5) Policies and procedures must be in place for the safe use and storage of poisons and toxins as follows:
  - (a) All medicines, alcohol, detergents, chemical sanitizers and related cleaning compounds and other chemicals must be stored in a safe location that is inaccessible to youth.
  - (b) Combustible and flammable materials and liquids must be properly stored so as not to create a fire hazard.
  - (c) Poisonous compounds such as insecticide, rodenticide, and other chemicals bearing the EPA toxicity labels "warning" or "danger" must be kept under lock and key.
  - (d) Poisonous or toxic chemicals may not be stored above or adjacent to food, dishes or utensils or food contact surfaces. They may not be used in such a manner that they could contaminate these articles.
- (6) Emergency information for youth must be easily accessible at the field office and on an expedition. Emergency information for each youth must include:
  - (a) the name, address, telephone number and relationship of a designated person to be contacted in case of an emergency;
  - (b) the name, address, telephone number of the youth's licensed health care professional or source of health care;



- (c) the name, address, telephone number and relationship of the person able to give consent for emergency medical treatment;
- (d) a copy of the youth's most recent health examination;
- (e) a signed release for emergency medical treatment from the parent or legal guardian; and
- (f) a copy of the youth's current medical insurance card.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1016 TRANSPORTATION

- (1) Any person transporting youth must possess a valid Montana driver's license for the type of vehicle used in transporting the youth.
- (2) Any person transporting youth must comply with applicable traffic laws while transporting youth.
- (3) The vehicle used in transporting youth must at a minimum:
  - (a) have proper Montana registration;
  - (b) have insurance coverage;
  - (c) be maintained in a safe condition;
  - (d) be equipped with a red triangle reflector device for use in a emergency; and
  - (e) be equipped with a first aid kit.
- (4) The driver and all of the passengers must ride in a vehicle manufactured seat. Each person shall use a seat belt.
- (5) No person can ride in the bed of or on the back of a truck.
- (6) Youth may ride in a snowmobile or on a sled pulled by a snowmobile driven by a staff member. The youth must wear a helmet and be instructed on safety procedures.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1201 THERAPEUTIC TREATMENT PROGRAM**

- (1) A program shall provide therapeutic treatment to youth.
- (2) A program shall appoint one or more lead clinical staff (LCS) members from the licensed mental health professionals of the program as professional staff.
- (3) Each LCS shall be responsible for no more than 16 youth.
- (4) The LCS must oversee all therapeutic treatment needs for the youth which at a minimum shall consist of:
  - (a) one individual treatment session per week per youth;
  - (b) two group treatment sessions per week per youth;
  - (c) one treatment team meeting per week per youth; and
  - (d) family therapy when appropriate.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1202 SOCIAL SERVICES**

- (1) A program shall employ an adequate number of trained professionals to provide the following services for each youth in care:
  - (a) plan for a youth's admission, coordinate the case plan, negotiate for the necessary resources for the youth, and prepare the youth for discharge and return to the family or other placement;
  - (b) serve as advocate for the youth and liaison with the family, the referring party and the community;
  - (c) prepare and maintain all required records and reports regarding the youth;
  - (d) provide post-placement plans and services and make the necessary referrals;
  - (e) assist the youth and staff to adjust to the youth's placement; and
  - (f) record the youth's reactions to the program, school, other youth, staff and family, and participate in staff discussion regarding progress and plans for the youth.
- (2) Those persons providing social services shall meet the following qualifications in addition to the general qualifications for direct care staff:
  - (a) have a bachelors degree in a behavioral science and experience in areas related to youth care or services;
  - (b) have two years of equivalent social services experience for each year of college education; or
  - (c) have an equivalent educational background with development of the necessary skills in social services.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1203 CARE AND GUIDANCE**

- (1) A program shall provide to each youth in the program the following:
  - (a) appropriate personal care, supervision and attention;
  - (b) opportunities for educational, social and cultural growth through suitable reading materials, toys, activities and equipment; and
  - (c) opportunities to associate with peer groups in school and community settings.
- (2) A program shall ensure the following practices:
  - (a) cooperation with the placing agency and participation in case conferences; and
  - (b) cooperation with the placing agency in arranging for contact with each youth's own family when appropriate.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1204 NUTRITION**

- (1) A program shall serve three regular, well balanced meals per day and snacks. The meals and snacks must be appropriate to the nutritional needs of the youth and must include the four basic food group requirements.
- (2) Special diets must be provided for youths as ordered in writing by a licensed health care professional. Such orders must be kept on file by the program.
- (3) Copies of menus of the food actually served must be kept on file for one month and must be available for inspection.
- (4) All food must be transported, stored, covered, prepared and served in a sanitary manner.
- (5) Use of home canned products is prohibited unless the product has been commercially approved.
- (6) Hands must be washed with warm water and soap before the handling of food. Hand sanitizer gels may be used in lieu of washing hands with soap and water.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### 37.98.1208 RELIGION AND CULTURE

- (1) The program shall provide youth with a reasonable opportunity to practice their respective religions. Youth must be permitted to have religious materials of their choice.
- (2) The program shall document giving encouragement and opportunity to each youth to identify with his or her cultural heritage.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### **37.98.1209 PERSONAL NEEDS**

- (1) The program shall assure that each youth has his or her own clothing suitable to the youth's age and size and comparable to the clothing of other youth in the community.
- (2) Youth must have some choice in the selection of their clothing.
- (3) A program shall provide necessary supplies and train youth in personal care, hygiene and grooming.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





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**37.98.1210 PRIVACY AND INDIVIDUALISM**

- (1) A program shall allow youth to have privacy.
- (2) A program shall provide a separate bed, separate storage space for clothing and personal articles, and a place for each youth to display his or her socially appropriate creative works and symbols of identity.
- (3) Each youth must be provided with access to a quiet area where he or she can be alone when appropriate.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1215 MONEY**

- (1) Money earned by a youth or received as a gift or allowance must be part of the youth's personal property and accounted for separately from the program funds.
- (2) If the program is partly supported by institutional production on a commercial basis, compliance with state and federal child labor laws and minimum wage laws must be assured.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1216 TRAINING AND EMPLOYMENT**

- (1) For youth age 16 and older a program may assist in:
  - (a) preparing youth for economic independence; and
  - (b) obtaining the skills necessary for employment as determined to be appropriate to meet the individual's needs. Such skills include:
    - (i) completing applications;
    - (ii) personal appearances for employment situations;
    - (iii) attitudes toward employment; and
    - (iv) interviewing for jobs.
- (2) A program shall distinguish between tasks which youth are expected to perform as part of living together, jobs to earn spending money and jobs performed for vocational training. Youth in care may not be used as employees of the program without prior approval of the department.
- (3) Youth may be given an age appropriate, non-vocational work assignment within the youth's capabilities as a constructive experience. The work assignment must be in compliance with all state and federal labor laws.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1220 YOUTH ORIENTATION**

- (1) A program shall have a written orientation policy for admission to the program including:
  - (a) a procedure for ensuring that each youth receives a personal orientation to the program as soon as appropriate but not later than 12 hours after admission;
  - (b) inventory of each youth's belongings;
  - (c) behavioral expectations;
  - (d) information on privilege systems;
  - (e) health and safety procedures;
  - (f) program rules;
  - (g) information on intrusive measures; and
  - (h) emergency evacuation procedures, including escape routes.
- (2) Documentation that is signed by both the youth and the staff person(s) conducting the orientation must be placed in the youth's file.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### **37.98.1221 PLACEMENT AGREEMENTS**

- (1) When a youth is admitted to a program, the program shall enter into a written placement agreement with the placing agency.
- (2) The placement agreement must set forth the terms of the youth's placement, the responsibilities of the program, the placing agency's responsibilities and, when appropriate, the parent's responsibilities.
- (3) No youth from out-of-state shall be accepted into the program without the approval of the interstate compact administrator pursuant to 41-4-101 through 41-4-109 , MCA.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### 37.98.1225 EDUCATION

- (1) A program shall provide an educational program appropriate to the needs of each youth and in compliance with compulsory school attendance laws. However, no youth shall receive special education services until a child study team (CST) has performed an appropriate comprehensive assessment which yields evidence that the youth has learning and/or behavioral problems requiring a specialized service not offered by the regular school program. Any youth who is receiving special educational services must have an individualized education program (IEP) in accordance with ARM 10.16.3340.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA



### 37.98.1226 RECREATION

- (1) The program may have an on grounds recreation program that is operated by the program's staff. However, when available, the program shall provide the youth access to community recreation and cultural events when they are appropriate to the youth's needs, interests and abilities.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1503 RESIDENTIAL OUTDOOR SERVICES: FIRE SAFETY REQUIREMENTS**

- (1) Residential outdoor services programs shall comply with all fire, life safety, and building regulations as determined by the local building official and fire authority for all buildings serving youth.
- (2) Residential outdoor services programs shall have an annual fire inspection conducted by the appropriate local fire authority or the state fire marshal's office for all buildings serving youth. The program shall maintain a record of such inspection for at least three years following the date of the inspection.
- (3) All exits must be marked and be clear and unobstructed at all times.
- (4) Paint, flammable liquids and other combustible material must be kept in locked storage away from heat sources or in outbuildings not used by the youth.
- (5) Residential outdoor services staff and residents must be instructed during orientation in the procedure for evacuation in case of fire. The procedure and evacuation maps must be posted in conspicuous places.
- (6) Residential outdoor services programs shall conduct evacuation and disaster drills and document results in a program file. The documented results must include but are not limited to the following:
  - (a) date and time of the drill;
  - (b) the names of staff involved in the drill;
  - (c) the names of other facilities, if any, which were involved in the drill;
  - (d) the names of other persons involved in the drill;
  - (e) a description of all phases of the drill procedure and suggestions for improvement; and
  - (f) the signature of the person conducting the drill.
- (7) Fire drills for residential outdoor services in all buildings serving youth must include the transmission of fire alarm and simulation of emergency fire conditions. Drills must be conducted quarterly on each shift to familiarize staff with the signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of an audible alarm.
- (8) Smoke detectors approved by a recognized testing laboratory must be located at stairways and in any areas requiring separation as set forth in the uniform building codes.
- (9) Smoke detector batteries must be checked by the residential outdoor services staff at least once each month and the batteries replaced at least once each year. The date and signature of the



person checking the batteries in the smoke detector must be recorded and filed at the program office.

- (10) A fire extinguisher approved by a recognized testing laboratory with a minimum rating of 2A10BC must be located on each floor of any residential outdoor services building.
- (11) A fire extinguisher approved by a recognized testing laboratory with a minimum rating of 2A10BC must be readily accessible to the kitchen area.
- (12) Fire extinguishers must be checked by the residential outdoor services staff at least quarterly. The date and signature of the person checking the fire extinguisher shall be recorded on the attached tag. Portable fire extinguishers must be inspected, recharged and tagged at least once a year by a person certified by the state to perform such services.
- (13) Residential outdoor services staff must be trained in the proper use of the fire extinguisher and the training recorded in the files.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1504 RESIDENTIAL OUTDOOR SERVICES: WATER**

- (1) A residential outdoor services program shall provide an adequate and potable supply of water. The residential outdoor services program shall:
  - (a) connect to a public water supply system approved by the Montana Department of Environmental Quality; or
  - (b) if a nonpublic water system is used by a residential outdoor services program, the water system must comply with the standards outlined in Department of Environmental Quality circular 3 (DEQ-3) and Department of Environmental Quality circular 4 (DEQ-4) . The department adopts and incorporates by reference department of environmental quality circular 3 (DEQ-3) (2002) and department of environmental quality circular 4 (DEQ-4) (2002) . Copies may be obtained from the Department of Public Health and Human Services, Quality Assurance Division, Licensure Bureau, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.
- (2) When a nonpublic water supply is used, the residential outdoor services program shall submit a water sample at least quarterly to a laboratory licensed by the department of environmental quality in order to determine that the supply does not contain microbiological contaminants.
- (3) The water system must be repaired or replaced if the supply:
  - (a) contains unacceptable levels of microbiological contaminants; or
  - (b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1505 RESIDENTIAL OUTDOOR SERVICES: SEWAGE AND WASTE DISPOSAL**

- (1) To ensure sewage is safely disposed of, the residential outdoor services program shall either:
  - (a) connect to a public sewer approved by the Montana department of environmental quality;  
or
  - (b) connect to a private septic system that is approved by the local sanitarian.
- (2) The sewage system must be repaired or replaced whenever:
  - (a) it fails to accept sewage at the rate of application;
  - (b) seepage of effluent from or ponding of effluent on or around the system occurs;
  - (c) contamination of a potable water supply or state waters is traced to the system; or
  - (d) a mechanical failure occurs.
- (3) Residential outdoor services programs shall:
  - (a) store all solid waste in containers which have lids and are corrosion-resistant, fly tight, watertight, and rodent-proof;
  - (b) clean all solid waste containers frequently; and
  - (c) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to a landfill site approved by the department of environmental quality in a covered vehicle or covered containers.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1506 RESIDENTIAL OUTDOOR SERVICES: PHYSICAL ENVIRONMENT**

- (1) A residential outdoor services program shall provide a minimum of 10 foot-candles of light in all rooms and hallways, 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.
- (2) Adequate space must be provided for all phases of daily living, including recreation, privacy, group activities and visits from family, friends and community acquaintances.
- (3) Youth must have indoor areas of at least 40 square feet of floor space per youth for quiet, reading, study, relaxing and recreation. The minimum space requirement may not include halls, kitchens and any rooms not used by youth must not be included in the minimum space requirement.
- (4) A sleeping room must contain at least 50 square feet of floor space per person. Bedrooms for single occupancy must have at least 80 square feet.
- (5) Maximum number of youth per bedroom must not exceed four. The bedrooms must have floor to ceiling walls.
- (6) The program shall provide:
  - (a) at least one toilet for every four residents; and
  - (b) one bathing facility for every six residents.
- (7) All resident rooms with toilets or shower/bathing facilities must have an operable window to the outside or must be exhausted to the outside by a mechanical ventilation system.
- (8) Each resident must have access to a toilet room without entering another resident's room, the kitchen or dining areas.
- (9) Bathrooms must have a toilet with a sink in each toilet area. The toilet and sink must be cleaned thoroughly with a germicidal cleaner at least weekly and more often if needed.
- (10) Hot and cold water must be available. Water temperature for hot water must be limited to 120° F or below.

- (11) A washing machine and dryer must be available.
- (12) The program shall have a telephone. Telephone numbers of the hospital, police department, fire department, ambulance, and poison control center must be posted by each telephone. Telephone numbers of the parent(s) and placing agency must be readily available.
- (13) A program shall provide ongoing appropriate maintenance of program buildings.
- (14) A program shall ensure its facilities, buildings, homes, equipment, and grounds are clean and maintained in good repair at all times for the safety and well being of youth, staff and visitors. Program buildings may not have any peeling paint, cracked mirrors, broken furniture or damaged floor covering.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1701 OUTDOOR BEHAVIORAL PROGRAM: HIGH ADVENTURE GENERAL REQUIREMENTS**

- (1) High adventure activities may include the following:
  - (a) target sports;
  - (b) aquatics;
  - (c) hiking;
  - (d) adventure challenge courses;
  - (e) climbing and rappelling;
  - (f) all season camping;
  - (g) soloing;
  - (h) spelunking;
  - (i) expeditioning;
  - (j) swimming in a river, stream, lake or pond;
  - (k) white water activities;
  - (l) animal related activities;
  - (m) skiing;
  - (n) orienteering;
  - (o) trampoline; or
  - (p) other activities approved by the department.
- (2) For the high adventure activities identified in (1) and for any activity identified by the program or the department as a high adventure activity, the program shall adopt and follow written policies and procedures that address:
  - (a) minimum training, experience and qualifications for leaders and staff which must be documented in personnel records;
  - (b) specific staff-to-participant ratios appropriate to the activity;
  - (c) classification and limitations for each youth's participation;
  - (d) arrangement, maintenance and inspection of the activity area;

- (e) appropriate equipment and the inspection and maintenance of the equipment;
  - (f) safety precautions to reduce the possibility of an accident or injury; and
  - (g) an explanation of the purpose of each high adventure activity.
- (3) A program shall designate a high adventure activity leader for each expedition or high adventure outing or activity. The high adventure leader must be at least 21 years of age and have documented training and experience for conducting the specific activity. Training and experience must be documented and kept on file for each high adventure leader.
- (4) High adventure activity policies and procedures must comply with the minimum standards required by other rules in this subchapter pertaining to the specific high adventure activities.
- (5) Youth may not be forced to participate in any high adventure activity.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1703 HIGH ADVENTURE REQUIREMENTS: SWIMMING

- (1) All swimming activities must be supervised by a swimming supervisor who, at a minimum, holds a current American red cross life guard training certificate or equivalent, such as a YMCA or boy scout aquatics instructor's certificate. If the program is offering swimming instruction, the swimming supervisor must also hold an American red cross water safety instructor certificate or equivalent.
- (2) At any time the swimming area is open, there must be at least one staff member for each 10 youths in the water present at the swimming area. At all times, at least one staff member who holds a current American red cross life guard training certificate or equivalent, such as a YMCA or boy scout aquatics instructor's certificate, must be present for each 30 youths in the water.
- (3) The swimming area must be off limits when the required numbers of qualified staff members are not present.
- (4) If the program uses a pool for which the program is not responsible, the program need not provide a lifeguard if there is a qualified lifeguard provided by the pool. There must be at least one program staff member at the pool for each 10 youths in the water.
- (5) Swimming area rules and emergency procedures must be posted in a visible location at the swimming area.
- (6) The swimming pool or swimming area must be in compliance with all applicable provisions of Montana law.
- (7) If youths are permitted to swim in a lake or pond, the swimming areas must be clearly designated.
- (8) Before youths are permitted to swim in deep water, swimming skills must be tested by properly trained staff members.
- (9) There must be a system known to youth and lookout staff for checking the youth when youths are in the water.
- (10) The following equipment must be available for use at the pool side or the lake shore in which swimming is permitted:
  - (a) a rescue tube;
  - (b) a reach pole; and
  - (c) a backboard.
- (11) Where the size of the body of water makes it impossible to reach victims by a reach pole, rescue tube or other rescue device, a rescue boat shall be available at all times.



- (12) If a program has shoreline activities such as wading, fishing, ecology or nature studies, the program must have a written policy which defines qualifications of persons accompanying the group and safety factors to be followed. Staff members must be acquainted with the policy.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1705 HIGH ADVENTURE REQUIREMENTS: BOATING, CANOEING, SAILING, TUBING, KAYAKING AND WHITE WATER RAFTING

- (1) All boating, canoeing, sailing, tubing, kayaking and white water rafting activities must be supervised by a boating supervisor meeting the following qualifications:
  - (a) a current American red cross life guard training certificate or equivalent, such as a YMCA or boy scout aquatics instructor's certificate; and
  - (b) a basic small craft certificate for the type of craft which is to be supervised.
- (2) Other staff members present during boating, canoeing, sailing, tubing, kayaking and white water rafting activities must have appropriate experience and training for the type of craft to be utilized.
- (3) Whenever youths are on the water they must be wearing a United States coast guard approved personal flotation device appropriate to the weight of the youth.
- (4) The boating supervisor shall determine the number and location of lookout staff necessary to protect the safety of the youths, taking into consideration such factors as the type of activity and water craft, the size and condition of the body of water, water temperature, and the skill of the youths involved, provided that, at a minimum, two lookout staff members shall always be present on the shoreline or in the water.
- (5) At no time may the occupancy of any craft exceed the capacity established for the craft by the United States coast guard standards.
- (6) There must be a warning device, such as a loud whistle, air horn, or other audible signal device, which can readily be heard or seen by persons on the water that indicates the need for youths and staff to return to the shore.
- (7) As determined by the boating supervisor, there must be a rescue boat in close proximity to where the activity takes place in accordance with the size and depth of the body of water. This rescue boat shall be in good repair and shall contain a rescue tube, reach pole and an extra oar or paddle.
- (8) Water craft may not enter a swimming area when swimmers are in the water unless the craft is utilized in rescue operations.
- (9) The following requirements are specific to canoeing, tubing or kayaking on moving water:
  - (a) Canoeing, tubing or kayaking must be limited to class II or less water (as defined by the international scale of river difficulty) .
  - (b) Supervising staff must be experienced and knowledgeable about the river being used, including the height and speed of the river.

- (c) The program shall develop and follow a written policy on evaluating the safety of the river. Supervising staff must be trained on the policy.
  - (d) The supervisor must be familiar with rescue techniques with canoes, kayaks and tubes on moving water and shall train youths in these techniques.
  - (e) Rescue equipment appropriate to the activity must be available, such as rope throw bag and rescue tubes.
- (10) The following rules are specific to white water rafting:
- (a) White water rafting must be limited to class III or less water. Rafting on class IV water is prohibited.
  - (b) Supervising staff must be experienced and knowledgeable regarding white water rafting and about the river being used, including the height and speed of the river.
  - (c) The supervisor must be familiar with applicable rescue techniques and shall train youths in these techniques.
  - (d) Rescue equipment appropriate to the activity must be available, such as rope throw bag and rescue tubes.
  - (e) There must be sufficient food storage, adequate to keep food dry and large enough to store food for the size of the raft and the length of the trip.
  - (f) Waterproof dunnage bags must be provided for passengers and be secured to the raft.
  - (g) A youth must be at least 50 pounds to ride a paddle raft or an oar raft in a class III river.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1707 HIGH ADVENTURE REQUIREMENTS: ARCHERY

- (1) All archery activities must be supervised by an experienced archery supervisor.
- (2) The archery range must be free from hazards and well marked. There must be a clear path to the target which is not obstructed by such things as rocks, trees or branches. Traffic, trail or other program activities may not be placed in the direction of the flight of the arrows.
- (3) Equipment must be maintained in safe condition. Bows and arrows must be inspected for fractures, splinters or cracks before each use. Damaged bows and arrows may not be utilized.
- (4) Equipment must be stored under lock and key when not in use. Bows and arrows must be used only in the specified archery area.
- (5) All archers shall use the same firing line. Arrows must be issued only at the firing line.
- (6) Arrows must be nocked to bow string after shooters are on the firing line and after the signal to shoot has been given.
- (7) Before arrows are released, shooters must have a definite target.
- (8) Movement must be controlled by a supervising staff member. All persons shall stay behind the firing line until the signal to retrieve arrows is given. All arrows must be retrieved at the same time.
- (9) If the program has field archery, a procedure must be established and posted to provide for the safety of the archers, including issuance of arrows at the check-in point of the archery trail, the check in of an archer at the beginning of the archery trail and the check out when archer has completed the trail.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1709 HIGH ADVENTURE REQUIREMENTS: HORSEBACK RIDING

- (1) All horseback riding activities must be supervised by a horseback riding supervisor who must have at least one of the following:
  - (a) a certificate from a nationally recognized horseback riding organization or riding school; or
  - (b) written verification of successful experience in formal horseback riding instruction or equivalent horseback riding experience.
- (2) The horseback riding supervisor shall train a sufficient number of riding staff members in the supervision of youth in the horseback riding program for the anticipated size of the riding program.
- (3) Riding staff must be trained by the horseback riding supervisor in emergency procedures appropriate to the horseback riding activity.
- (4) Any trail excursion must comply with the following:
  - (a) At least two trained riding staff members, one of whom holds a current American red cross community first aid and safety certificate or equivalent, shall accompany each trail excursion.
  - (b) If the horseback ride is for seven or more nights or is more than one hour away from emergency medical services, there must be at least one staff member with each group of youth with wilderness first responder training, CPR and medication administration training.
  - (c) If more than 20 youth participate in the trail excursion, in addition to the two trained riding staff members required by (4) (a) , there must be an additional trained riding staff member assigned for each additional 10 or fewer riders.
- (5) First aid supplies must be carried on each trail excursion and available at each horseback riding ring/arena.
- (6) No person is allowed in the riding area unless the horseback riding supervisor or a trained riding staff member is present.
- (7) The riding supervisor shall determine each youth's riding experience and level of skills and shall take these into account in assigning which horse each youth should ride and determining the type of riding activity in which each youth should engage.
- (8) Youth must be given instruction in basic safety, which must include at least the following:
  - (a) riding rules in the ring and on the trail; and
  - (b) how to approach, mount and dismount.

- (9) Youth must be appropriately dressed for riding, including wearing appropriate shoes or boots. The riding supervisor shall evaluate the footgear of each youth and make the stirrups safe for each youth's shoe or boot.
- (10) Helmets are mandatory for youths engaged in ring riding and trail rides.
- (11) The horseback riding equipment must be in good condition, properly sized and adjusted for each rider.
- (12) The horse barn or stable, ring and commonly used trails must be in good repair and free of dangerous obstructions.
- (13) Horses must be cared for with evidence of an adequate feeding schedule and a means to care for sick horses.
- (14) Horses may not be permitted in the other designated activity areas.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1711 HIGH ADVENTURE REQUIREMENTS: TRAMPOLINE**

- (1) All trampoline activities must be supervised by a trampoline supervisor who shall have documented formal training and experience in the use of trampoline and be knowledgeable about safety and spotting techniques.
- (2) Trampolines must be equipped with pads along the sides, which must be kept in good repair.
- (3) No person may be on the trampoline unless a trampoline supervisor is present and spotters are present on all four sides of the trampoline. If youth are utilized as spotters, the youth must be of sufficient age and physical size to be effective as spotters, and they must be instructed by the trampoline supervisor regarding what is expected. Spotters may not stand, sit or lie on the trampoline, but they must stand in a position of readiness, watching the jumper at all times.
- (4) Trampolines must be secured from unauthorized use by any person.
- (5) The youth may dismount the trampoline by sitting on the edge and sliding off. No youth shall jump off the trampoline.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1713 HIGH ADVENTURE REQUIREMENTS: REQUIREMENTS FOR ALL ROCK CLIMBING**

- (1) All rock climbing activities must be supervised by a climbing supervisor meeting the requirements of this rule and ARM 37.98.1715 and 37.98.1717. The climbing supervisor must be assisted by climbing instructors meeting the requirements of this rule and ARM 37.98.1715 and 37.98.1717.
- (2) The following requirements apply to all rock climbing activities:
  - (a) Prior to participating in rock climbing, all youth must be instructed in the care and use of basic equipment, knots, anchors and belays, verbal signals, safety measures, basic climbing holds and moves, and techniques of rappelling.
  - (b) The climbing supervisor and at least one climbing instructor must be present at the climbing site during all climbing activities.
  - (c) A climbing instructor shall be present at the climbing site for each five climbers.
  - (d) A staff member who holds at least a current American red cross community first aid and safety certificate or equivalent shall be present at the climbing site.
  - (e) First aid supplies, put together by a person knowledgeable in first aid supplies needed for climbing activities and possible injuries, must be present at the climbing site.
  - (f) No youth may be forced to participate in climbing activities.
  - (g) The climbing supervisor shall be responsible for the proper maintenance of all equipment used. Equipment must be checked by the supervisor immediately prior to use.
  - (h) All rock climbing equipment must meet industry standards and must be maintained, visually and physically inspected and replaced on a timely basis.
  - (i) Climbers shall wear helmets at all times.
  - (j) The program may not permit an unsupervised climb.
  - (k) Youth must be connected to a safety rope during rock climbing.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





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**37.98.1715 HIGH ADVENTURE REQUIREMENTS: BASIC/SINGLE-PITCHED ROCK CLIMBING AND RAPPELLING**

- (1) The following requirements apply to basic/single-pitched rock climbing and rappelling:
  - (a) The climbing supervisor and the climbing instructors must have verified knowledge of technical climbing by completion of a course, a climbing school or a minimum of 10 hours of instruction.
  - (b) Each rock climber must be visually supervised by the climbing supervisor or a climbing instructor.
  - (c) Youth waiting to climb must be supervised by a staff member.
  - (d) A belay must be used during rappelling, and all climbers must be belayed in a top rope manner by a climbing supervisor, climbing instructor or by another staff member trained by the climbing supervisor or a climbing instructor as a belayer.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1717 HIGH ADVENTURE REQUIREMENTS: ADVANCED/MULTI-PITCHED ROCK CLIMBING**

- (1) The following requirements apply to advanced/multi-pitched climbing:
  - (a) The climbing supervisor must:
    - (i) hold a current American red cross community first aid and safety certificate or equivalent and a current certificate for CPR;
    - (ii) have been an instructor, under supervision, for two seasons with verifiable experience and a review of any serious accidents;
    - (iii) have completed a technical climbing school or training in technical climbing with written evidence of such completion;
    - (iv) have led 10 additional multi-pitched class V climbs (as defined by the American alpine club) within the last two years; and
    - (v) have knowledge of mountain rescue techniques. If the climb is more than 60 minutes from emergency medical services, the climbing supervisor shall also hold a current wilderness first responder training certificate or equivalent.
  - (b) The climbing instructors shall:
    - (i) have the same training as the climbing supervisor;
    - (ii) have been an instructor, under supervision, for one season with verifiable experience and a review of any serious accidents;
    - (iii) have completed a technical climbing school or training in technical climbing;
    - (iv) have led five additional multi-pitched climbs; and
    - (v) have knowledge of mountain rescue techniques. No instructor may take youths on a climb the instructor has not previously completed.
  - (c) The rope leader shall be either the climbing supervisor or a climbing instructor. No youth may be the rope leader.
  - (d) The climbing supervisor shall assess the ability of the youth as to the difficulty of the climb.
  - (e) There must be one rope leader to each three climbers in an extended climb.
  - (f) First aid equipment must be carried with the staff on each climb.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1719 HIGH ADVENTURE REQUIREMENTS: ROPE COURSES**

- (1) All rope course activities must be supervised by a rope course supervisor with training and experience on the type of rope course being used. The rope course supervisor must hold a current American red cross community first aid safety certificate or equivalent. The rope course supervisor shall be present during all rope course activities.
- (2) The program shall have written safety procedures for use of the rope courses. Staff must be trained on the safety procedures.
- (3) Rope courses must be inspected annually by knowledgeable personnel.
- (4) Bolts must be tight and cables must be in good condition at all times.
- (5) Rope courses must be inspected before use by the rope course supervisor.
- (6) The integrity of all the trees in the rope course must be inspected regularly.
- (7) Ropes, cables and bolts must be maintained, visually and physically inspected and replaced on a timely basis.
- (8) Youth shall wear helmets when using the rope course.
- (9) Rope courses must be off limits to youth when a rope supervisor or rope instructor is not present.
- (10) Access to rope courses must be controlled by education, signs and whatever other means are necessary to control unsupervised access.
- (11) Youth must be connected to a safety rope during all activities on a rope course.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### **37.98.1721 HIGH ADVENTURE REQUIREMENTS: HIKING AND BACKPACKING**

- (1) All hiking or backpacking trips and activities shall be supervised by a hiking or backpacking supervisor meeting the requirements of this rule.
- (2) The hiking or backpacking supervisor shall:
  - (a) hold a current American red cross community first aid and safety certificate or equivalent;
  - (b) have knowledge of outdoor experience and the symptoms and correct treatment procedures for hypothermia and dehydration; and
  - (c) have verifiable experience in hiking and backpacking at the elevation where the hike is to take place.
- (3) All staff members involved in hiking or backpacking trips or activities shall:
  - (a) be trained by the supervisor concerning hypothermia and dehydration;
  - (b) have knowledge of the symptoms of hypothermia and dehydration and correct treatment procedures; and
  - (c) continually observe and monitor youths on the trail for early diagnosis and treatment of hypothermia and dehydration.
- (4) When a group takes a hiking or backpacking trip where youth are away from the field office, there must be at least one staff member with each group of youth with:
  - (a) wilderness first responder training;
  - (b) CPR; and
  - (c) medication administration training.
- (5) The hiking or backpacking supervisor shall consider the hiker's age, physical condition and experience, as well as the season, weather trends, evacuation and communication, and water quality and quantity when selecting the area for hiking or backpacking.
- (6) Before participation in a hiking or backpacking activity, the youths must have a safety orientation and be instructed at a minimum on:
  - (a) the fundamental safety procedures on the trail;
  - (b) procedures for a hiker if they become lost;
  - (c) proper health procedures, including the need for drinking fluids and eating appropriate foods while on the trail;

- (d) sanitation procedures on the trail;
  - (e) rules governing land to be hiked over;
  - (f) potential high-risk areas which may be found on the trail;
  - (g) fire danger precautions;
  - (h) flash floods;
  - (i) lightening dangers; and
  - (j) procedures when encountering wild animals.
- (7) Each hiker or backpacker must be equipped with protective clothing and equipment against natural elements such as rain, snow, wind, cold, sun and insects.
- (8) The hiking activity may not exceed the physical capability of the weakest member of the group.
- (9) When a youth cannot hike, the group may not continue hiking unless it is necessary for compelling safety reasons.
- (10) When a youth refuses to hike, a contingency plan, based on pre-approved policies and procedures, must be used. The plan must ensure that if the group is split, there is proper staff coverage for each group and communication between the groups is maintained.
- (11) First aid supplies, assembled by a person knowledgeable in first aid supplies needed for hiking and backpacking activities and possible accidents or injuries, must be present on each hike or backpacking trip. The contents of each kit must be adequate for the number of youths, the terrain and the length of the hike or backpacking trip.
- (12) An itinerary of the hiking or backpacking trip and a list of all people on the hike or backpacking trip must be kept at the field office.
- (13) The program shall have written safety procedures for hiking and backpacking, including a written protocol for evacuating a youth that becomes sick or injured on a hike or backpacking trip. Staff and youths must be trained on the safety procedures and protocol.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1723 HIGH ADVENTURE REQUIREMENTS: BICYCLING**

- (1) All bicycling trips and activities must be supervised by a bicycling supervisor who meets the requirements and qualifications set forth in this rule.
- (2) The bicycling supervisor must:
  - (a) be familiar with state laws about bicycling;
  - (b) be knowledgeable about the type of bicycling terrain where the bicycle trips will occur;
  - (c) be knowledgeable about bicycling in the mountains, if applicable;
  - (d) be knowledgeable on making simple bicycle repairs; and
  - (e) hold at least a current American red cross community first aid and safety certificate or equivalent.
- (3) A bicycling supervisor and at least one other staff member must accompany each bicycle trip. There must be one staff member at the beginning and end of each bicycle group.
- (4) Each bicyclist shall wear a helmet.
- (5) Bicycles must be in good condition, properly maintained, inspected prior to each bicycling trip and adjusted to the size of the youth riding the bicycle.
- (6) A bicycle repair kit and first aid equipment must be taken on each trip. The first aid supplies must be assembled by a person knowledgeable in first aid supplies needed for bike trips and possible accidents or injuries.
- (7) The bicycling supervisor must instruct youths as to emergency procedures, safe riding practices and road and trail etiquette.
- (8) The bicycling supervisor shall evaluate each youth as to his or her physical capabilities to participate in the planned bicycling trip, keeping in mind the trip length, terrain, altitude of the trip and weather conditions.
- (9) Water/fluids must be taken on each bicycle trip.
- (10) An itinerary of the biking trip and a list of all people on the biking trip must be kept at the field office.
- (11) The program shall have written safety procedures of bike trips, including the written protocol for evacuating a youth that becomes sick or injured on a bike trip. Staff and youths must be trained on the safety procedures and protocol.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1801 EXPEDITION: FIELD OFFICE REQUIREMENTS

- (1) A program shall have a field office in Montana. A field office may be a vehicle, a camp, a building, or the administrative office.
- (2) The field office must be staffed and monitored 24 hours a day when there are youth in care in the field office or on expeditions. Field office staff shall respond immediately to any emergency situation.
- (3) When field office staff are not present in the field office, a contact satellite phone number for the responsible on call staff must be posted on the field office door. The field director shall designate responsible on call staff who shall continually monitor communications and will always be on call with a satellite phone within 15 minutes travel time of the field office.
- (4) Field office staff shall be responsible for:
  - (a) training and orientation, management of field personnel, related files and records; and
  - (b) maintaining communications, equipment inspection and overseeing medical incidents.
- (5) The following items must be maintained at the field office:
  - (a) current staff personnel files;
  - (b) a current list of the names of staff and youth in each field group;
  - (c) a master map of all activity areas used by a program;
  - (d) each group's expeditionary route with its schedule and itinerary, copies of which must be sent to the department and local law enforcement when requested;
  - (e) current logs of all communications with each field group away from the field office;
  - (f) an emergency response plan that is reviewed annually;
  - (g) program participant files, which include:
    - (i) youth case record including case plan;
    - (ii) admission and subsequent assessments;
    - (iii) physical examination completed as part of program admission process and any subsequent physical exams;
    - (iv) medical treatment authorization;
    - (v) list of current medications taken by the youth;

- (vi) identifying marks of the youth such as scars, tattoos and piercings;
  - (vii) health insurance information; and
  - (viii) list of contact persons in case of emergencies.
- (6) A program shall comply with federal, state and local laws and regulations and shall maintain proof of compliance at the field office. An arrangement must be made with national or state forest service offices if such land is to be used by the field office. If the field office or the expedition camp is located on or uses national or state lands, the administrator shall familiarize the staff and youth with rules and ethics governing the use of such property and shall be responsible for compliance.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1803 EXPEDITION: STAFF

- (1) During any expedition:
  - (a) expedition staff shall carry a copy of the itinerary placed on file at the field office;
  - (b) expedition staff shall remain in contact with the field office via satellite phone, with contacts occurring at a minimum of once each morning and once each evening;
  - (c) expedition staff shall possess and make use of a global positioning satellite receiver;
  - (d) supplies for providing emergency care must be at each expedition camp;
  - (e) expedition staff shall maintain the daily expedition log. Entries in the log must be made in permanent ink and signed and dated by the staff member making the entry. The daily expedition log must be filed at the field office upon return from the expedition and maintained as a part of the program's permanent record;
  - (f) expedition staff and youth shall implement and follow program policies and procedures regarding back country etiquette and leave no trace principles;
  - (g) expedition staff shall closely monitor participating youth while acclimating to the environment including temperature, climate and altitude; and
  - (h) when temperatures exceed 95° F or fall below 10° F, expedition staff shall take appropriate preventative measures to ensure participating youth remain free of heat or cold related illness or injuries.
- (2) Upon return from any expedition:
  - (a) the senior field staff member shall debrief each expedition staff member and document this meeting in writing;
  - (b) the senior field staff member shall debrief each youth. The debriefing shall at a minimum:
    - (i) include a written summary of the youth's participation and progress achieved; and
    - (ii) be provided in written form to the placing agency and, upon request, to the youth's parents or legal guardian; and
  - (c) the field director shall document results of the evaluation of the conditions of the youth, interactions of youth and staff, briefings, de-briefings and compliance with program policies and procedures. The program shall retain evaluations in the youth's record.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### **37.98.1804 EXPEDITION: STAFF TRAINING**

- (1) All outdoor experience and expedition staff training must be documented and kept on file for each staff member, intern and volunteer.
- (2) A program shall have written policies, procedures and training curriculum regarding minimum requirements for orientation, field training and ongoing training.
- (3) A program shall provide a minimum of 40 hours initial staff training.
- (4) Initial staff training may not be considered completed until the staff members have demonstrated to the field director proficiency in each of the following:
  - (a) supervision of program participants;
  - (b) procurement, preparation and conservation of water, food and shelter;
  - (c) low impact wilderness expedition and environmental conservation skills and procedures;
  - (d) youth management, including containment control, safety, conflict resolution and behavioral management;
  - (e) instruction in safety procedures and safety equipment, use of fuel, fire and life protection;
  - (f) instruction in emergency procedures, medical, weather signalization, fire, runaway and lost youth;
  - (g) sanitation procedures relating to food, water and waste;
  - (h) knowledge of wilderness medicine, including health issues related to acclimation and exposure to the environmental elements;
  - (i) CPR, standard first aid, use of first aid kit contents and use of wilderness medicine;
  - (j) navigation skills including map and compass use, contour and celestial navigation and global positioning system;
  - (k) local environmental precautions including terrain, weather upsets, poisonous plants, wildlife and proper response to adversarial situations;
  - (l) report writing, including the development and maintenance of logs and journals;
  - (m) relevant federal, state and local regulations including those of the department, bureau of land management, United States forest service, Montana fish, wildlife and parks; and
  - (n) therapeutic de-escalation of crisis situations and passive physical restraint techniques to ensure the protection and safety of the clients and staff. The training must include the use of

physical and non-physical methods of managing youth and must be updated at least every 12 months to ensure that necessary skills are maintained.

- (5) The field director shall document in each personnel record that each staff member has demonstrated proficiency in each of the required topic areas as listed above.
- (6) The initial staff training and demonstration of proficiency must be implemented and documented before the staff member may count in the staff to youth ratio specified in ARM 37.98.415 and 37.98.1805.
- (7) A program shall provide, at a minimum, 20 hours annually of ongoing training to staff to improve proficiency knowledge of skills. Additionally, the program shall ensure certifications are maintained by staff.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



ADMINISTRATIVE  
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**37.98.1805 EXPEDITION: YOUTH/STAFF RATIO**

- (1) Each group of youth must be staffed as follows:
  - (a) two staff members for the first four youth or fraction thereof and one additional staff member for every four youth or fraction thereof;
  - (b) each group of youth must have at least one staff member of the same gender as the genders represented in the youth group; and
  - (c) each youth group must include one senior field staff member.
- (2) The field director has primary responsibility for field activities and must visit the field a minimum of two days a week, with no more than eight days between visits.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1810 EXPEDITION: BASIC REQUIREMENTS

- (1) Prior to embarking on an expedition:
  - (a) An itinerary of the expedition, including a written description and schedule of every planned expedition activity, and the location of each expedition camp site, must be prepared and filed at the field office.
  - (b) If national, state forest or other public lands will be used, arrangements must be made with the appropriate state or federal officials, and an itinerary of the expedition, including the location of each expedition camp site, must be provided to said officials.
  - (c) If private property will be used, arrangements must be made with the property owners.
  - (d) The field director shall brief all participating staff on all expedition details including:
    - (i) the planned route, time schedule, weather forecast and any potential hazards;
    - (ii) the rules for use of state or national forest or other public lands if such property will be used during the expedition;
    - (iii) any procedures or special circumstances unique to the expedition;
    - (iv) information regarding each participating youth, including background information, potential problems and any other relevant information; and
    - (v) goals and objectives of the case plan for each participating youth.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.





## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1811 EXPEDITION: POLICIES AND PROCEDURES

- (1) Policies and procedures must be adopted by the program regarding back country etiquette and the leave no trace principle. Participating staff and youth must be trained on the policies and procedures.
- (2) At a minimum, the policies and procedures must include the following principles of leave no trace:
  - (a) leave what you find because all natural and cultural resources are protected by law;
  - (b) pack it in, pack it out;
  - (c) properly dispose of waste that you can't pack out;
  - (d) plan ahead and prepare. The staff shall know and respect applicable rules and regulations and understand the risk inherent in back country travel;
  - (e) travel and camp on durable surfaces;
  - (f) minimize campfire impact and use;
  - (g) respect wildlife by never approaching, feeding or harassing wildlife and by securing food and garbage properly; and
  - (h) be considerate of other visitors by keeping group size small and by minimizing noise.
- (3) Policies and procedures must be adopted by the program regarding the use of a daily expedition log which must include:
  - (a) daily entries regarding health problems, accidents, injuries, near misses, medications used, behavioral problems and unusual occurrences;
  - (b) daily notations of environmental factors such as weather, temperature, altitude and terrain;
  - (c) daily entries assessing each youth's hydration, skin condition, extremities and general physical condition;
  - (d) daily entries describing morning and evening contacts between expedition staff and field office staff;
  - (e) weekly entries assessing each youth's physical condition by a staff member trained as a wilderness first responder;
  - (f) emergency plan drills, showing date, time, staff and youth present; and
  - (g) descriptions of pre-site investigations for solo expeditions.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1812 EXPEDITION: COMMUNICATIONS

- (1) The program shall have written policies and procedures establishing a system of communication that meets the following criteria:
  - (a) each group away from the field office must have a satellite phone and extra charged battery packs for the satellite phone;
  - (b) the program must have a reliable back up communication system;
  - (c) the program must have a back up plan for re-establishing communications to be implemented in the event regular communications fail; and
  - (d) the program must develop a signal mirror communication system.
- (2) The written policies and procedures must be attached to each itinerary, together with any specialized procedures necessitated by the circumstances, taking into consideration such factors as the planned activities and the terrain.
- (3) Verbal communication between each field group and the field office must occur on a regularly scheduled basis according to program procedures unless special documented arrangements have been made.
- (4) The field office support personnel shall have immediate access to emergency telephone numbers, contact personnel and procedures for an emergency evacuation or field incident requiring emergency medical support.
- (5) Morning and evening contacts must be established between expedition staff and support staff in the field office. These contacts must be recorded in the log at both locations.
- (6) Contact must be available from expedition staff to field office on a continuous basis.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1815 EXPEDITION: HEALTH CARE

- (1) Additional health care requirements for youth on expedition include the following:
  - (a) Each youth's hydration, skin condition, extremities and general physical condition must be monitored and documented by field staff on a daily basis.
  - (b) Each youth's physical condition must be assessed by a staff member trained as a wilderness first responder at least every seven days while on expedition. The assessments must be documented and must at a minimum include:
    - (i) blood pressure, if deemed necessary by a licensed health care professional;
    - (ii) heart rate;
    - (iii) check of extremities;
    - (iv) condition of skin;
    - (v) hydration level;
    - (vi) allergies if any;
    - (vii) general physical condition;
    - (viii) provision of appropriate medical treatment if needed; and
    - (ix) emotional well being.
  - (c) A written plan for handling unanticipated allergic reactions while on expedition must be developed. The plan must include:
    - (i) training and consultation with regard to possible allergic reactions or reactions to snake and insect bites;
    - (ii) notations in youth records about any medication which might result in allergic reactions or other side effects; and
    - (iii) identification for all expedition staff about youth needing special precautions.
- (2) Copies of the following documentation for each youth must be carried by the staff in a waterproof container when the youth is away from the field office:
  - (a) physical examination completed as part of the program admission process and any subsequent physical exams;
  - (b) medical treatment authorization;

- (c) list of current medications taken by the youth;
- (d) identifying marks of the youth such as scars, tattoos and piercings;
- (e) health insurance information; and
- (f) list of contact persons in case of emergencies.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1816 EXPEDITION: NUTRITIONAL REQUIREMENTS

- (1) A program shall have and follow written policies and procedures on nutritional requirements.
- (2) Each program shall have a written menu, approved by a qualified dietitian or nutritionist with knowledge of the program activities and levels, describing food supplied to the youth which must provide a minimum of 3000 calories per day.
- (3) The menu must be adjusted to provide 29% to 100% increase in minimum dietary needs as energy expenditures such as exercise increases, or as the climate conditions such as cold weather dictate.
- (4) Forage items may not be used toward the determination of caloric intake.
- (5) Hands must be cleaned after each latrine use and prior to food preparation and food consumption.
- (6) Food may not be withheld from a youth for any reason.
- (7) If no fire is available for cooking food, other food of equal caloric value which does not require cooking must be available.
- (8) Field staff are responsible for maintaining the safety and well being of the youth and shall monitor each youth's food intake to ensure that the youth has adequate nutrition.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1817 EXPEDITION: WATER REQUIREMENTS**

- (1) A program shall have and follow written policies and procedures on expedition water requirements. At a minimum they must consist of the following:
  - (a) Youth must have access to potable water while hiking.
  - (b) The program shall provide each youth with six quarts of potable water a day, unless a youth's weight exceeds 150 pounds, then one additional quart of potable water must be provided for every 25 pounds of body weight over 150 pounds.
  - (c) Youth must have access to one additional quart of water for every five miles hiked.
  - (d) Staff shall encourage each youth to consume at least three quarts of potable water per day.
  - (e) In temperatures above 80° F, adequate water must be available for coating each youth's body for the purpose of cooling when needed.
  - (f) Water must be available at each expedition camp site. Water cache location information must be verified by field staff before the group leaves expedition camp each day.
  - (g) Expedition groups may not depend on aerial drops for water supply. Aerial water drops must be used for emergency situations only.
  - (h) Water taken by staff or youth from a natural source and used for drinking or cooking must be treated to eliminate health hazards.
  - (i) Each group must have a supply of electrolyte replacement, the quantities to be determined by group size and environment conditions.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



## ADMINISTRATIVE RULES OF MONTANA

### 37.98.1821 EXPEDITION: SOLO EXPERIENCE

- (1) If the program utilizes solo experiences as part of the therapeutic process during expeditions, the program shall have policies and procedures for the utilization of solo experiences. Policies and procedures for solo experiences, at a minimum, must require:
  - (a) a written solo plan that must include, but is not limited to:
    - (i) the goals, methods, and techniques to be used and time frames for each participant;
    - (ii) an evaluation of the maturity level, health and physical ability of the youth, indicating that a solo expedition is reasonable;
    - (iii) documented instructions on the solo experience, including expectations, restrictions, communication, environment and emergency procedures; and
    - (iv) documented instructions on a back up plan in case the primary plan does not work; and
  - (b) a staff member be designated to coordinate and implement the plan.
- (2) Staff shall be familiar with the site chosen to conduct solo experiences, and shall conduct a pre-site investigation and preparation. These activities must be documented in the daily expedition log including:
  - (a) a description of the terrain selected and the appropriateness for the level of participation skill of the youth;
  - (b) a review of hazardous conditions; and
  - (c) a description of arrangements made prior to the solo experience for medication, food and water drop-offs if needed.
- (3) Youth must be supervised during solo experiences. Written plans for supervision must be drafted prior to the solo, and a copy of these written plans shall be placed in the daily expedition log. A plan of supervision must include at a minimum:
  - (a) the assignment of a specific staff member responsible for the supervision of the solo participant;
  - (b) predetermined procedures for:
    - (i) placing youth at a distance from each other and the central staff site to allow for appropriate supervision and emergency communication;
    - (ii) placing youth requiring special attention closer to the central staff site;



- (c) a method of clearly defining physical boundaries;
  - (d) instruction of youth to not participate in potentially dangerous activities;
  - (e) notification and check-in systems including a procedure for checking the youth's emotional and physical condition daily;
  - (f) a requirement that visual checks be conducted at regular intervals, with the actual time between visual checks being dependent upon the youth's maturity, experience and other relevant factors as determined by the youth's condition, provided, however, that the time between visual checks may never exceed 12 hours; and
  - (g) emergency planning, including:
    - (i) instructing the youth on safety and emergency procedures, including evacuation routes;
    - (ii) providing each youth with signaling capabilities, including a whistle, for emergency notification;
    - (iii) instructing of other youth on how to respond if the emergency notification system is put into use; and
    - (iv) providing a check-in system should an emergency occur.
- (4) The youth must be debriefed immediately after a solo expedition. The debriefing must at a minimum:
- (a) include a written summary of the youth's participation and progress achieved; and
  - (b) be provided in written form to the placing agency and, upon request, to the youth's parents or legal guardian.

**Authorizing statute(s):** Sec. 50-5-220, MCA

**Implementing statute(s):** Sec. 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.



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**37.98.1822 EXPEDITION: PARTICIPANT CLOTHING, EQUIPMENT AND SUPPLIES**

- (1) Each expedition participant must have appropriate clothing, equipment and supplies for the types of activities and for the weather conditions likely to be encountered.
- (2) Clothing, equipment and supplies must include at a minimum:
  - (a) sunscreen, which must be worn during all seasons;
  - (b) insect repellent if appropriate for the environmental conditions generally expected for the area and season;
  - (c) a commercial backpack or the materials to construct a safe backpack or bedroll;
  - (d) personal hygiene items necessary for cleansing;
  - (e) appropriate feminine hygiene supplies;
  - (f) wool blankets or an appropriate sleeping bag and a tarp or poncho for when the average nighttime temperature is expected to be 40° F or higher;
  - (g) shelter from precipitation, appropriate sleeping bag and ground pad when the average nighttime temperature is expected to be 39° F or lower;
  - (h) clothing appropriate for the temperature changes generally expected for the area; and
  - (i) a clean change of clothing at least once a week or an opportunity for the participant to wash their clothing at least once a week.
- (3) A program may not remove, deny or make unavailable for any reason the appropriate clothing, equipment or supplies.
- (4) Field staff shall be responsible for maintaining the safety and well being of youth and shall monitor each youth to make sure that clothing, equipment and supplies are maintained in a manner adequate to ensure the youth's safety.
- (5) The field director shall develop a list of items that each youth will be in possession of during the wilderness excursion. Policy shall be in place that ensures only those items are transported into the wilderness.

**Authorizing statute(s):** 50-5-220, MCA

**Implementing statute(s):** 50-5-220, MCA

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**History:** NEW, 2004 MAR p. 1960, Eff. 8/6/04.