

ADMINISTRATIVE RULE OF MONTANA

HEALTHCARE FACILITIES

37.106 subchapter 22

Residential Treatment

RULES

37.106.2201 APPLICATION OF OTHER RULES

37.106.2202 LICENSURE STANDARDS

37.106.2203 SEPARATE LICENSES

37.106.2201 APPLICATION OF OTHER RULES (1) To the extent that other licensure rules in this chapter conflict with the terms of ARM [37.106.2202](#) and [37.106.2203](#), the terms of ARM [37.106.2202](#) and [37.106.2203](#) will apply to residential treatment facilities.  
AND HUMAN SERVICES

History: Sec. [50-5-103](#), MCA; [IMP](#), Sec. [50-5-103](#) and [50-5-201](#), MCA; [NEW](#), 1994 MAR p. 304, Eff. 2/11/94; [TRANS](#), from DHES, 2002 MAR p. 185.

37.106.2202 LICENSURE STANDARDS (1) A residential treatment facility must meet the requirements of the following:

(a) the standards for the following categories, contained in the Joint Commission on Accreditation of Health Care Organizations' 2017 Comprehensive Accreditation Manual for Behavioral Health Care:

- (i) Care, Treatment, and Services (CTS).
- (ii) Environment of Care (EC).
- (iii) Emergency Management (EM).
- (iv) Human Resource Management (HRM).
- (v) Infection, Prevention, and Control (IC):
- (vi) Leadership (LD).
- (vii) Life Safety (LS).
- (viii) Medication Management (MM):
- (ix) National Patient Safety Goals (NPSG).
- (x) Performance Improvement (PI).
- (xi) Record of Care, Treatment, and Services (RC).
- (xii) Rights and Responsibility of the Individual (RI); and
- (xiii) Waived Testing (WT).

(2) A residential treatment facility may not share direct care staff or provide joint activities or treatment in conjunction with another type of facility, even if both facilities are under the same management, unless the joint activity involves facilities under a single management and is a specific treatment program that is clinically appropriate for all of the children engaged in it (e.g., appropriate for patients of both a residential treatment facility and an inpatient acute psychiatric facility).

(3) The number of residents admitted to the facility and the number of beds in use and/or ready for use may not exceed the number of beds for which the facility is licensed, as indicated on the face of the license issued to it.

(4) The department adopts and incorporates by reference the Joint Commission on Accreditation of Healthcare Organizations, 2017 Comprehensive Accreditation Manual for Behavioral Health Care.

(5) The department adopts and incorporates by reference Title 42 CFR 440.160 (2010) and Title 42 CFR, part 441, subpart D (2010).

(6) The residential treatment facility must have 24-hour onsite nursing care by a registered nurse.

(7) The youth must be evaluated by a physician within 24 hours of admission.

(8) All legal representatives of the youth must be consulted and invited to participate in the development and review of the treatment plan. Valid reasons must be indicated if such a plan is not clinically appropriate or feasible.

(9) A comprehensive discharge plan directly linked to the behaviors and symptoms that resulted in admission and estimated length of stay must be developed upon admission.

(10) If the youth is a student with disabilities, an individualized education plan (IEP) must be in place that provides programs and services consistent with requirements under the Individuals with Disabilities Education Act (IDEA) and state special education requirements. If the youth is not a student with disabilities, educational services and programs must be designed to meet the educational needs of the youth.

History: 50-5-103, MCA; IMP, 50-5-103, 50-5-201, MCA; NEW, 1994 MAR p. 304, Eff. 2/11/94; TRANS, from DHES, 2002 MAR p. 185; AMD, 2018 MAR p. 848, Eff. 4/28/18.

37.106.2023 SEPARATE LICENSES (1) Separate residential treatment facility licenses are not required for separate buildings within the same community if they are utilized to provide residential psychiatric care under the same management.

History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-201, MCA; NEW, 1994 MAR p. 304, Eff. 2/11/94; TRANS, from DHES, 2002 MAR p. 185.