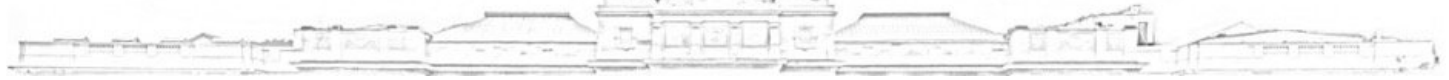




ADMINISTRATIVE RULES OF MONTANA



37.82.1301 DEFINITIONS RELATING TO INSTITUTIONAL STATUS

- (1) As used in this subchapter:
 - (a) "Active treatment in institutions for the mentally retarded" requires the following:
 - (i) The individual's regular participation, in accordance with an individual plan of care, in professionally developed and supervised activities, experiences, or therapies.
 - (ii) An individual written plan of care that sets forth measurable goals or objectives stated in terms of desirable behavior and that prescribes an integrated program of activities, experiences or therapies necessary for the individual to reach those goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he can presently or potentially achieve.
 - (iii) An interdisciplinary professional evaluation that:
 - (A) is completed for a recipient, before admission to the institution but not more than three months before, and for an individual applying for medicaid after admission, before the institution requests payment;
 - (B) consists of complete medical, social and psychological diagnosis and evaluations and an evaluation of the individual's need for institutional care; and
 - (C) is made by a physician, a social worker and other professionals, at least one of whom is a qualified mental retardation professional.
 - (iv) Reevaluation medically, socially and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. This must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his continuing need for institutional care, and consideration of alternate methods of care.
 - (v) An individual postinstitutional plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals. This must include provision for appropriate services, protective supervision, and other follow-up services in the resident's new environment.
 - (b) "In an institution" refers to an individual who is admitted to live there and receive treatment or services provided there that are appropriate to his requirements.
 - (c) "Inmate of a public institution" means a person who is living in a public institution. An individual is not considered an inmate if:

- (i) he is in a public educational or vocational training institution for purposes of securing education or vocational training; or
 - (ii) he is in a public institution for a temporary period pending other arrangements appropriate to his needs.
- (d) "Inpatient" means a patient who has been admitted to a medical institution on recommendation of a physician or dentist and is receiving room board, and professional services in the institution on a continuous 24-hour-a-day basis.
- (e) "Institution" means an establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more persons unrelated to the proprietor.
- (f) "Institution for mental diseases" means an institution that is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is licensed as such. An institution for the mentally retarded is not an institution for mental diseases.
- (g) "Institution for the mentally retarded or persons with related conditions" means an institution (or distinct part of an institution) that:
 - (i) is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or persons with related conditions; and
 - (ii) provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each individual function at his greatest ability.
- (h) "Institution for tuberculosis" means an institution that is primarily engaged in providing diagnosis, treatment or care of persons with tuberculosis, including medical attention, nursing care, and related services. Whether an institution is an institution for tuberculosis is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of tuberculosis, whether or not it is licensed as such.
- (i) "Medical institution" means an institution that:
 - (i) is organized to provide medical care, including nursing and convalescent care;
 - (ii) has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of patients on a continuing basis in accordance with accepted standards;
 - (iii) is certified under Montana law to provide medical care; and
 - (iv) is staffed by professional personnel who are responsible to the institution for professional medical and nursing services. The services must include adequate and continual medical care and supervision by a physician; registered nurse or licensed practical nurse supervision and services and nurses' aid services, sufficient to meet nursing care needs; and a physician's guidance on the professional aspects of operating the institution.

- (j) "Patient" means an individual who is receiving needed professional services that are directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health, or lessening of illness, disability or pain.
- (k) "Persons with related conditions" means individuals who have epilepsy, cerebral palsy, or other developmental disabilities.
- (l) "Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. The term "public institution" does not include a medical institution as defined above, an intermediate care facility as defined in chapter 40, subchapter 3, or a publicly operated community residence that serves no more than 16 residents, as defined below.
- (m) "Publicly operated community residence that serves no more than 16 residents" means:
 - (i) It is the responsibility of a governmental unit, or a governmental unit exercises administrative control over it.
 - (ii) It has been designed or has been changed to serve no more than 16 residents and it is serving no more than 16.
 - (iii) It provides some services beyond food and shelter such as social services, help with personal living activities, or training in socialization and life skills. Occasional medical or remedial care may also be provided.
 - (iv) A publicly operated community residence does not include the following facilities, even though they accommodate 16 or fewer residents:
 - (A) residential facilities located on the grounds of, or immediately adjacent to, any large institution or multiple purpose complex;
 - (B) educational or vocational training institutions that primarily provide an approved, accredited, or recognized program to individuals residing there;
 - (C) correctional or holding facilities for individuals who are prisoners, have been arrested or detained pending disposition of charges, or are held under court order as material witnesses or juveniles;
 - (D) hospitals, skilled nursing facilities, and intermediate care facilities.
- (n) "Resident of an intermediate care facility" is an individual who is:
 - (i) in need of and receiving professional services to maintain, improve, or protect health or lessen disability or pain under the direction of a practitioner of the healing arts;
 - (ii) admitted to an intermediate care facility in accordance with chapter 40, subchapter 1;
 - (iii) under care and supervision 24-hours-a-day; and
 - (iv) if he is in an institution for the mentally retarded, receiving active treatment as defined above.

Authorizing statute(s): Sec. 53-6-113, MCA

Implementing statute(s): Sec. 53-6-131, MCA



ADMINISTRATIVE RULES OF MONTANA



History: NEW, 1982 MAR p. 729, Eff. 4/16/82; TRANS, from SRS, 2000 MAR p. 476.