



## ADMINISTRATIVE RULES OF MONTANA



### 37.50.320 FOSTER CARE FACILITY CONTRACTS

- (1) Facilities that have been classified may apply for a contract with the department on a form provided by the department.
- (2) At least 30 days prior to the expiration of the contract, each facility wishing to contract with the department shall submit an application for a new contract.
- (3) The department shall select contractors on the basis of the department's need for the services provided by the facility. The selection process may include information regarding the contractor's history of providing services to children. The selection process shall include:
  - (a) a review of the department's access to similar services currently provided in the state or region;
  - (b) an overview of the children placed by the department requiring these services;
  - (c) a review of the cost for the service compared with available funding sources and appropriations; and
  - (d) a determination regarding the appropriateness of the service for children placed by the department.
- (4) Each facility shall retain its classification and daily rate until the expiration of the current contract, unless written consent is provided by the department. Any facility wishing to change its classification at the expiration of the contract or during a contract period must request reclassification in writing at least 90 days prior to the proposed effective date for the reclassification. The written request shall present the justification for the reclassification. The justification shall include a discussion of the financial impact on the department, the impact on the children currently placed at the facility, and the anticipated results of the change for the department and the facility, and the anticipated results of the change for the department and the facility. Upon receipt of a request for reclassification, the department will follow the procedures set forth in ARM 37.50.316 and 37.50.320 to reclassify and assign a daily rate to the facility.

**Authorizing statute(s):** Sec. 41-3-1103, 52-1-103 and 52-2-603, MCA

**Implementing statute(s):** Sec. 41-3-1103, 41-3-1122, 52-1-103, 52-2-603 and 52-2-611, MCA

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**History:** NEW, 1989 MAR p. 20, Eff. 1/13/89; TRANS, from DFS, 1998 MAR p. 488; AMD, 2003 MAR p. 486, Eff. 3/14/03.