



ADMINISTRATIVE RULES OF MONTANA



37.100.136 ADULT FOSTER CARE HOMES (AFCH): LIMITATIONS ON CARE PROVIDED

- (1) Except as provided in this rule and pursuant to 50-5-216, MCA, the types of care offered by Adult Foster Care Homes (AFCH) are limited to light personal care, custodial care, and supervision. An adult in the care of an AFCH must not be:
 - (a) in need of skilled nursing care;
 - (b) in need of medical, physical, or chemical restraint;
 - (c) nonambulatory or bedridden;
 - (d) incontinent to the extent that bowel or bladder control is absent; or
 - (e) unable to self-administer medications.
- (2) To continue the continuity of care, an AFCH may be licensed to provide care for an adult receiving state-funded services through the developmental disabilities program of the department or an adult who resided in the home before reaching 18 years of age, even though the adult is:
 - (a) in need of skilled nursing care;
 - (b) in need of medical, physical, or chemical restraint;
 - (c) nonambulatory or bedridden;
 - (d) incontinent to the extent that bowel or bladder control is absent; or
 - (e) unable to self-administer medications.
- (3) A resident of an AFCH licensed under (2) must have a certification in the form of a signed statement, renewed on an annual basis, from a physician, a physician's assistant-certified, a nurse practitioner, or a registered nurse, whose work is unrelated to the operation of the home and who has actually visited the home within the year covered by the statement and certifies that:
 - (a) the services available to the resident in the home or in the community, or services that may be brought into the home from the community, including nursing services or therapies, are appropriate for meeting the health care or other needs of the resident; and
 - (b) the health care status of the resident does not necessitate placing the resident in a more intensive residential service setting.

Authorizing statute(s): 50-5-103, 50-5-215, MCA

Implementing statute(s): 50-5-101, 50-5-103, 50-5-215, 50-5-216, MCA

History: NEW, 2014 MAR p. 1098, Eff. 5/23/14.