



ADMINISTRATIVE RULES OF MONTANA



37.106.2828 RESIDENT RIGHTS

- (1) The facility shall comply with the Montana Long-Term Care Residents' Bill of Rights, found at 50-5-1101 , et seq., MCA. This includes the posting of the facility's statement of resident rights in a conspicuous place. Prior to or upon admission of a resident, the assisted living facility shall explain and provide the resident with a copy of the Montana Long-Term Care Residents' Bill of Rights.
- (2) Residents have the right to execute living wills and other advance health care directives, and to have those advance directives honored by the facility in accordance with law.
- (3) Prior to admission of a resident, the assisted living facility must inform a potential resident in writing of:
 - (a) their right (at the individual's option) to make decisions regarding medical care, including the right to accept or refuse medical treatment, and the right to formulate an advance directive; and
 - (b) explain and provide a copy of the facility's policies regarding advance directives, including a policy that the facility cannot implement an advance directive, either because of a conscientious objection (under 50-9-203 , MCA) , or, for some other reason as stated in facility policy (under 50-9-203 , MCA) .
- (4) If the facility policy is not to implement an advanced directive the facility shall:
 - (a) take all reasonable steps to transfer the resident to a facility which has no prohibition against implementation of advance directives; or
 - (b) shall inform the resident in writing of any limitations placed upon implementation of the resident's advance directive by the facility.
- (5) An assisted living facility may not require an execution of an advance directive as a condition for admission.

Authorizing statute(s): Sec. 50-5-103, 50-5-226 and 50-5-227, MCA

Implementing statute(s): Sec. 50-5-225, 50-5-226 and 50-5-227, MCA

History: NEW, 2002 MAR p. 3638, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04.