



ADMINISTRATIVE RULES OF MONTANA

37.106.101 DEFINITIONS

- (1) For the purpose of this subchapter:
 - (a) "Capital expenditure" is defined as provided in 50-5-101, MCA.
 - (b) "Long-term care facilities plan" means the plan prepared by the department containing guidelines for determining need for long-term care facilities and services subject to certificate of need review that is most recently approved by the Governor and a statewide health coordinating council appointed by the director of the department.
 - (c) "Long-term care facility" is defined as provided in 50-5-301, MCA.
 - (d) "Swing-bed" means a licensed hospital, medical assistance facility, or critical access hospital bed that is also certified for the provision of long-term care pursuant to 42 CFR 482.58.
- (2) The following term appears in the Montana Code Annotated, is not defined in the statutes, and is interpreted by the department to mean the following:
 - (a) The phrase "enforceable capital expenditure commitment," as used in 50-5-305, MCA, means an obligation incurred by or on behalf of a long-term care facility when:
 - (i) an enforceable contract is entered into by such facility or its agent for the construction, acquisition, lease or financing of a capital asset;
 - (ii) a formal internal commitment of funds by such a facility which constitutes a capital expenditure; or
 - (iii) in the case of donated property, the date on which the gift vested.

Authorizing statute(s): 50-5-103, 50-5-302, MCA

Implementing statute(s): 50-5-101, 50-5-301, 50-5-302, 50-5-304, 50-5-305, 50-5-306, 50-5-307, 50-5-308, 50-5-309, 50-5-310, MCA

History: NEW, 1979 MAR p. 1670, Eff. 12/28/79; AMD, 1983 MAR p. 732, Eff. 7/1/83; AMD, 1987 MAR p. 1074, Eff. 7/17/87; AMD, 1996 MAR p. 1975, Eff. 7/19/96; TRANS, from DHES, 2002 MAR p. 185; AMD, 2022 MAR p. 57, Eff. 1/15/22.