



ADMINISTRATIVE RULES OF MONTANA



37.106.2602 GENERAL SERVICES, ADMINISTRATION AND STAFFING

- (1) An adult day care center shall provide assistance with activities of daily living, including but not limited to eating, walking, and grooming.
- (2) If an adult day care center is operated on the premises of another licensed health care facility:
 - (a) the other facility may provide to day care clients any of the services for which the other facility is licensed, subject to the limitation that overnight service to an adult day care client is prohibited;
 - (b) adequate facilities and staff must be provided to appropriately serve the clients of each licensed facility; and
 - (c) the center must identify, in writing, those personnel responsible for operating its programs.
- (3) An adult day care center may not provide overnight service.
- (4) The center must provide recreational and social activities for clients, post a calendar of those activities where clients can see it, and retain a copy of each calendar for at least one year after the date of the last event recorded on it.
- (5) An adult day care center must provide an area in which clients desiring to do so may rest. A bed or lounge chair, as well as blankets and pillows, must be available and furnished to those who need them. If the center provides a bed or beds, it must:
 - (a) keep each bed dressed in clean bed linen in good condition;
 - (b) keep on hand a supply of clean bed linen sufficient to change beds often enough to keep them clean, dry, and free from odors; and
 - (c) provide each bed with a moisture-proof mattress or a moisture-proof mattress cover and mattress pad.
- (6) There must be a written agreement between the center and each client or the client's legal representative pertaining to cost of care, type of care, services to be provided, and the manner by which the responsible party will be notified of significant changes in the client's condition and the need to seek emergency care for the client.
- (7) The legal representative of a client must be notified promptly if the client is removed from the center. A notation of the date of the contact and the person contacted must be made in the client's record.
- (8) Each client must have access to a telephone.

- (9) The center shall make adequate provisions for identification of client's personal property and for safekeeping of valuables, including keeping an accounting of any personal funds handled for the client by the center.
- (10) A client who is ambulatory only with mechanical assistance may only be kept on the ground floor of the center.
- (11) Each adult day care center must employ an administrator who must be in good physical and mental health, be of reputable and responsible moral character, and exhibit concern for the safety and well being of clients, and who:
 - (a) is at all times responsible for the center and ensures appropriate supervision of the clients; and
 - (b) has knowledge of and the ability to conform to the applicable laws and rules governing adult day care centers.
- (12) The owner of an adult day care center who meets the qualifications listed in (11) may serve as the administrator.
- (13) The administrator must:
 - (a) oversee the day to day operation of the center, including, but not limited to:
 - (i) services to clients;
 - (ii) record keeping; and
 - (iii) employing, training and/or supervising employees.
 - (b) protect the safety of clients;
 - (c) be familiar with and assure compliance with the department's standards and rules relating to adult day care;
 - (d) post the current license at all times at a place in the center that is conspicuous to the public;
 - (e) provide documented orientation to all employees that includes information on the following:
 - (i) an overview of the center's policies and procedures manual and a presentation regarding how the policies and procedures are to be used and implemented;
 - (ii) a review of the employee's job description;
 - (iii) services provided by the facility;
 - (iv) simulated fire prevention, evacuation, and disaster drills;
 - (v) basic techniques of identifying and correcting potential safety hazards in the facility; and
 - (vi) emergency procedures, such as basic first aid.
 - (f) review every accident and/or incident causing injury to a client or employee, take appropriate corrective action, and ensure that a record of all accidents and/or incidents and the corrective measures taken is maintained;

- (g) comply with the provisions of the Montana Vulnerable Adult Prevention of Abuse Act, 52-3-801 et seq., MCA;
 - (h) ensure that the center has a policies and procedures manual that governs the operations of the center, that is available to and followed by all employees, and that is available to clients upon request;
 - (i) maintain a personnel record for each employee, including for substitute personnel, that meets the requirements of ARM 37.106.2620(3), and retain it for at least one year after the employee terminates employment; and
 - (j) maintain an ongoing census of clients, documenting their attendance, and retain census data covering at least the past 12 months.
- (14) At least one employee must be present at the center at all times in which a client is present at the center.
 - (15) Written daily work schedules for employees showing the personnel on duty at any given time must be kept at least one year.
 - (16) The individual in charge of each work shift shall have keys to all doors in his/her possession.
 - (17) The center must at all times employ sufficient staff to provide the services required by the number and characteristics of its clients.

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

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

History: NEW, 1994 MAR p. 1838, Eff. 7/8/94; AMD, 1994 MAR p. 3194, Eff. 12/23/94; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1099, Eff. 1/11/25.