



ADMINISTRATIVE RULES OF MONTANA

37.5.117 CERTAIN TITLE 50 PROGRAMS AND OTHER PROGRAMS FOR WHICH NO PROCEDURE IS OTHERWISE SPECIFIED: APPLICABLE HEARING PROCEDURES

- (1) Hearings under the programs specified in this rule are available to the extent specifically provided by law, including the Montana Code Annotated and department rules. The provisions of ARM 37.5.311 and 37.5.318 do not apply to such hearings. Such hearings shall be conducted in accordance with the Montana Administrative Procedure Act and ARM 37.5.304, 37.5.307, 37.5.313, 37.5.316, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.
 - (a) vital statistics under Title 50, chapter 15, MCA;
 - (b) food establishment licensure and enforcement under Title 50, chapter 50, MCA;
 - (c) lodging space accommodation establishment licensure and enforcement under Title 50, chapter 51, MCA;
 - (d) campground and trailer court licensure and enforcement under Title 50, chapter 52, MCA;
 - (e) laboratory licensure under 50-1-210, MCA;
 - (f) licensure and enforcement of public swimming pools, spas and other water features under Title 50, chapter 53, MCA;
 - (g) emergency medical services licensure and enforcement under Title 50, chapter 6, MCA;
 - (h) designation of health care facilities as trauma facilities under Title 50, chapter 6, part 4, MCA;
 - (i) health care facility licensure and enforcement under Title 50, chapter 5, MCA;
 - (j) denial or revocation of a certificate of public advantage under Title 50, chapter 4, part 6, MCA;
 - (k) enforcement of the Montana Food, Drug, and Cosmetic Act, Title 50, chapter 31, MCA;
 - (l) department findings or determinations of abuse, neglect or misappropriation of resident funds by a nurse aide in a nursing facility under 42 CFR 488.335, subject to the provisions of 42 CFR 488.335;
 - (m) refusal, revocation or suspension of a certificate of sanitation under ARM Title 37, chapter 112, subchapter 1;
 - (n) denial of an application for approval of chemical dependency treatment programs under ARM Title 37, chapter 27, subchapter 1;

- (o) requests for departmental review of final decisions under the Healthy Montana Kids (HMK) Plan;
- (p) denial, suspension, restriction, revocation or reduction to provisional status of a child placing agency license under ARM Title 37, chapter 93, subchapter 2;
- (q) denial, suspension, revocation or nonrenewal of a youth foster care license or youth care facility license under ARM Title 37, chapter 97, subchapter 1;
- (r) denial of a license for a community home for persons with developmental disabilities under ARM Title 37, chapter 100, subchapters 3 and 4;
- (s) assessment of a tobacco education fee against an employee or owner of an establishment under 16-11-308, MCA;
- (t) denial or other determinations of the amount, duration or continuation of an adoption subsidy under ARM Title 37, chapter 52, subchapter 2;
- (u) requests for review of determinations by the department regarding pharmaceutical manufacturer's rebate agreements pursuant to ARM 37.86.1102; and
- (v) any department program with respect to which a right to hearing is specifically granted by law, including department rule, but for which a hearing process is not otherwise provided by department rule.

Authorizing statute(s): 50-1-202, 53-2-201, 53-4-1009, 53-6-113, MCA

Implementing statute(s): 41-3-1103, 41-3-1142, 42-10-104, 50-1-202, 50-4-612, 50-5-103, 50-6-103, 50-6-402, 50-15-102, 50-15-103, 50-15-121, 50-15-122, 50-31-104, 50-52-102, 50-53-103, 52-2-111, 53-2-201, 53-4-1004, 53-4-1009, 53-4-1105, 53-6-101, 53-6-111, 53-6-113, 53-6-402, 53-20-305, 53-24-208, MCA

History: NEW, 2000 MAR p. 1653, Eff. 6/30/00; AMD, 2008 MAR p. 2669, Eff. 1/1/09; AMD, 2010 MAR p. 1197, Eff. 1/15/10; AMD, 2010 MAR p. 2217, Eff. 10/1/10.