



## ADMINISTRATIVE RULES OF MONTANA



### 37.50.316 FOSTER CARE CLASSIFICATION PROCEDURES

- (1) Effective January 15, 1989, all facilities providing foster care under contract to the department shall be classified according to the level of treatment and supervision provided. Any facility that does not have a contract with the department may request classification at any time.
- (2) The department shall request information from the facility regarding treatment and supervision services provided, population served and staffing of the facility. The department may conduct an on site visit at any time for purposes of assessing the classification of the facility.
- (3) Each facility classified will be offered a daily rate which the department will pay for each day of care provided to children approved by the department for placement in the facility. The daily rate will be a percentage of the model rate established by the department for the classification.
- (4) If the facility disagrees with the classification assigned by the department, the facility may submit a request for informal reconsideration within 30 days of written notification of the classification level.
  - (a) The request must state with particularity the reasons the facility believes the classification is incorrect and must include any supporting documentation the facility wishes to submit.
  - (b) The request for reconsideration shall be submitted to the Department of Public Health and Human Services, Child and Family Services Division, Cogswell Building, 1400 Broadway, P.O. Box 8005, Helena, MT 59604-8005.
- (5) The department shall conduct an informal reconsideration of the classification within 15 days of receipt of the request for reconsideration and shall submit a decision in writing as to whether the classification will be changed.
- (6) If the facility is dissatisfied with the result of the informal reconsideration, it may request an informal hearing before a panel comprised of the director, the evaluation bureau chief and a representative from another facility.
  - (a) The request for an informal hearing must be submitted in writing within 10 days of the receipt of the results of the informal reconsideration.
  - (b) An informal hearing shall be held within 20 days of the receipt of the request for hearing.
  - (c) The panel will consider all matters relevant to the level of supervision and the level of treatment provided at the facility, and shall make a determination whether the facility has been properly classified according to the rules of the department.
  - (d) The decision of the panel shall be the final decision of the department.

- (7) The facility's current classification shall remain in effect pending the outcome of any reconsideration or appeal.
- (8) The provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, MCA do not apply to informal reconsideration or hearing proceedings under this rule.

**Authorizing statute(s):** Sec. 41-3-1103, 52-1-103 and 52-2-603, MCA

**Implementing statute(s):** Sec. 41-3-1103, 41-3-1122, 52-1-103 and 52-2-611, MCA

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**History:** NEW, 1989 MAR p. 20, Eff. 1/13/89; TRANS, from DFS, 1998 MAR p. 488; AMD, 2000 MAR p. 1653, Eff. 6/30/00.