



ADMINISTRATIVE RULES OF MONTANA



37.100.130 ADULT FOSTER CARE HOMES (AFCH): LICENSE DENIAL, REVOCATION, OR SUSPENSION

- (1) The department may deny, revoke, or suspend an AFCH license by written notification to the provider for any of the following reasons:
 - (a) the provider is not in compliance with licensing requirements established by this subchapter;
 - (b) the provider has made misrepresentations to the department, either negligent or intentional;
 - (c) the provider, staff, or other persons in the home have been named as a perpetrator in a substantiated report of abuse, neglect, or exploitation of a child or adult;
 - (d) the provider, staff, or other persons in the home pose a risk or threat to the safety or welfare of any resident of the home;
 - (e) any AFCH resident requires physical restraint;
 - (f) any AFCH resident will need to be carried from the home during any emergency that requires evacuation unless under the direct care of a hospice provider; or
 - (g) any AFCH resident is totally incontinent or is incontinent and unable to manage their incontinence with more than minimal supervision.
- (2) If any violation of the licensing requirements by a provider, staff, or person in the home places a resident in imminent risk of injury or harm, the license may be immediately revoked.
- (3) If the department finds that a current provider who is operating an AFCH is out of compliance with the standards set forth in these rules, the department will not revoke or deny renewal of the license if all the following conditions are met:
 - (a) the standards out of compliance do not eminently threaten the life or health of the residents;
 - (b) the standards out of compliance can be corrected within 30 days;
 - (c) the provider submits a written corrective action plan within ten days of the department's notification of noncompliance specifying how compliance will be made within 30 days of receipt of the notification of noncompliance; and
 - (d) the department approves the corrective action plan.

Implementing statute(s): 50-5-103, 50-5-207, 50-5-215, MCA

History: NEW, 1985 MAR p. 289, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1989 MAR p. 2207, Eff. 12/22/89; TRANS, from DFS, 1998 MAR p. 667; AMD, 2014 MAR p. 1098, Eff. 5/23/14.