



ADMINISTRATIVE RULES OF MONTANA



37.99.170 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: BEHAVIOR MANAGEMENT POLICIES

- (1) A program must have written behavior management policies and procedures which include a description of the model, program, or techniques to be used with program participants. The program must have policies addressing discipline, therapeutic de-escalation in crisis situations, crisis intervention and physical restraint, and time-out. Behavior management must be based on an individual assessment of each program participant's needs, stage of development, and behavior. It must be designed with the goal of teaching the program participant to manage their own behavior and be based on the concept of providing effective treatment by the least restrictive means.
- (2) The behavior management policies and procedures must prohibit:
 - (a) the use of physical force, mechanical, chemical, or physical restraint as discipline;
 - (b) pain compliance, aversive conditioning, and use of pressure point techniques;
 - (c) placing of anything in or on a program participant's mouth;
 - (d) cruel or excessive physical exercise, prolonged positions, or work assignments that produce unreasonable discomfort;
 - (e) verbal abuse, ridicule, humiliation, profanity, and other forms of degradation directed at a program participant's family;
 - (f) physical discipline of any means including but not limited to hitting, shaking, biting, or pinching;
 - (g) locked confinement or seclusion;
 - (h) withholding of necessary food, water, clothing, shelter, bedding, rest, medications as prescribed, medical care, or toilet use;
 - (i) denial of visits or communication with the program participant's family;
 - (j) isolation as punishment; and
 - (k) any other form of punishment or discipline which subjects a program participant to pain, humiliation, or unnecessary isolation or restraint.
- (3) If program policies and procedures allow for disciplining a group of program participants for actions of one participant, the policies and procedures must clearly prescribe the circumstances and safeguards under which disciplining the group is allowed.

- (4) Any staff person involved in or witnessing an infraction of this rule shall complete an incident report clearly detailing the events of the infraction. The report must be completed prior to the end of the involved staff person's shift.
- (5) A copy of the incident report must be placed in the program participant's file and the incident must be reported to the licensure bureau and parent/legal guardian within 24 hours of its occurrence.
- (6) An authorized staff person must be notified of the incident immediately and:
 - (a) begin an investigation within 24 hours of the incident; and
 - (b) complete a written report and submit it to the licensure bureau within two days of completion of the investigation.
- (7) An investigation of the incident may be conducted by the department.
- (8) A complete report of any investigation conducted by the program must be placed in the provider's records and must be available for inspection by the department.

Authorizing statute(s): 52-2-803, 52-2-805, MCA

Implementing statute(s): 52-2-803, 52-2-805, 52-2-809, MCA

History: NEW, 2019 MAR p. 2029, Eff. 11/9/19.