



ADMINISTRATIVE RULES OF MONTANA

37.99.110 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: LICENSE DENIAL, SUSPENSION, RESTRICTION, AND REVOCATION

- (1) The department, after written notice to the applicant or program, may deny, suspend, cancel, reduce, modify, or revoke a license upon a finding of any of the following:
 - (a) the program is not in compliance with fire safety standards;
 - (b) the program is not in substantial compliance with other licensing requirements established by this chapter;
 - (c) the program has made any misrepresentations to the department, either negligent or intentional, regarding any aspect of its operations or facility;
 - (d) the program has failed to use payments for the support of the program participants;
 - (e) the program, persons associated with the program, any staff member, or persons living at the program have been named as the perpetrator in a substantiated report of abuse or neglect;
 - (f) the program, persons associated with the program, any staff member or persons living at the program have violated provisions of this chapter that resulted in child abuse or neglect;
 - (g) the program, persons associated with the program or any staff member do not meet the requirements in ARM 37.99.148;
 - (h) the program failed to report an incident of abuse or neglect to the department or its local affiliate as required in 41-3-201, MCA;
 - (i) it is determined on the basis of a department or law enforcement investigation that the program, persons associated with the program, any staff member, or anyone living in a program may pose any risk or threat to the safety or welfare of program participants;
 - (j) the program has failed to provide an acceptable written plan of correction as specified in ARM 37.99.109;
 - (k) the program did not pay the licensure fee as required in ARM 37.99.107; or
 - (l) the program employs or has persons living at the program that do not have an approved background check as required in ARM 37.99.126.
- (2) At the discretion of the department and for protection of the program participants, program participants may be removed immediately upon receipt of a report of sexual or physical abuse or neglect by the program.

- (3) Suspension or revocation of a license may be immediate upon a determination by the department that emergency action is required based on findings including, but not limited to the following situations:
- (a) upon referral of suspected child abuse or neglect regarding a program, the initial investigation reveals that there are reasonable grounds to believe that a program participant may be in danger of harm;
 - (b) the department requests and is denied access to the program, program participants, or staff; or
 - (c) through a licensing investigation, it is determined that the program, persons associated with the program, any staff member, or persons living at the program have violated a licensing regulation that results in harm to a program participant which falls within the definitions of child abuse and neglect set out in 41-3-102, MCA, whether or not a criminal prosecution is initiated.
- (4) Until the issuance of a contrary decision by the department the denial, suspension, cancellation, reduction, modification, or revocation of a license will remain effective and enforceable.
- (5) Any person denied a license under the provisions of this subchapter, or whose license has been denied, suspended, canceled, reduced, modified, or revoked may request a hearing as provided in ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.
- (6) Nothing in these rules precludes the department from utilizing provisions of the Montana Administrative Procedure Act, including but not limited to summary suspension under 2-4-631(3), MCA.

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

Implementing statute(s): 52-2-804, 52-2-805, 52-2-806, 52-2-807, 52-2-808, 52-2-809, 52-2-810, 52-2-811, MCA, NEW, 2019 MAR p. 2029, Eff. 11/9/19.

History: