



ADMINISTRATIVE RULES OF MONTANA



37.106.2132 ADMISSIONS, TRANSFERS, DISCHARGE AND FAIR HEARING

- (1) Admission decisions must be based on a preliminary evaluation of the client that is conducted or updated by the facility or by outside sources, except that admission procedures regarding clients which have been committed to the facility by a court of competent jurisdiction shall be conducted pursuant to Title 53, chapter 20, part 1, MCA.
- (2) A preliminary evaluation must contain background information as well as currently valid assessments of functional, developmental, behavioral, social, health and nutritional status to determine if the facility can provide for the client's needs and if the client is likely to benefit from placement in the facility.
- (3) If a client is to be either transferred or discharged from the facility, the facility must:
 - (a) have documentation in the client's record that the client was transferred or discharged for good cause; and
 - (b) provide a reasonable time to prepare the client or guardian for the transfer or discharge (except in emergencies) .
- (4) At the time of the discharge, the facility must:
 - (a) develop a final summary of the client's developmental, behavioral, social, health and nutritional status and, with the consent of the client or legal guardian, provide a copy to authorized persons and agencies; and
 - (b) provide a post-discharge plan of care that will assist the client in adjusting to the new living environment.
- (5) A resident has a right to a fair hearing to contest an involuntary transfer or discharge as provided at ARM 37.5.116.

Authorizing statute(s): Sec. 50-5-103 and 50-5-238, MCA

Implementing statute(s): Sec. 53-5-103, 50-5-201 and 50-5-238, MCA

History: NEW, 2003 MAR p. 1322, Eff. 7/1/03.