



ADMINISTRATIVE RULES OF MONTANA



37.50.315 FOSTER CARE CLASSIFICATION MODEL

- (1) Each facility must be classified according to the department's classification model. The model identifies eight levels of supervision and three levels of treatment. A model rate has been assigned to each level of supervision and treatment.
- (2) Each facility wishing to contract with the department must be classified according to ARM 37.50.316 to determine the daily rate the department would offer the facility for foster care services provided by the facility. The daily rate will be a percentage of the model rate for the facility's classification. The department may pay less than the daily rate if the facility requests less than the daily rate.
- (3) There are eight levels of supervision in the classification model:
 - (a) In Level I the facility provides the basic living needs of the youth, including shelter, food, transportation and clothing by placing the youth in community family therapeutic foster homes. Trained foster home parents provide a skilled role model to carry out the implementation of the community based treatment plan for the youth. The facility provides supervision based upon an assessment of the youth's needs and a specific written case plan that is monitored to determine its effectiveness in reducing the need for this level of supervision.
 - (b) In Level II the facility provides the basic living needs of the youth, including shelter, food, transportation and clothing. In addition to the provision of these basic needs, the facility employs paid caretakers who provide day-to-day supervision of the youth in a family-like setting. This level of supervision does not require individual assessment of the youth and/or the development of treatment plans to determine structured activities or provide the day-to-day care and guidance of the youth.
 - (c) In Level III the facility provides the basic living needs of the youth, employs caretakers who provide the day-to-day supervision of the youth in a family-like setting, and a paid director to coordinate the facility's operations.
 - (d) In Level IV the facility provides the basic living needs of the youth and employs shift staff who provides 24-hour structured supervision of the youth and administrative personnel. This level of supervision utilizes planned structured supervision by trained staff. The facility provides activities and supervision based upon an assessment of the youth's needs and a specific written case plan that is monitored to determine its effectiveness in reducing the need for structured supervision.
 - (e) In Level V the facility provides the basic living needs of the youth, and employs shift staff who provides 24-hour intensive supervision with backup staff available. The facility also

employs administrative personnel. The facility provides constant control of the youth by highly trained staff in a planned treatment environment. This level of supervision requires individual assessment of the youth and the development, implementation and monitoring of an individual written treatment plan by professional staff.

- (f) In Level VI the facility provides the basic living needs of the youth including food, shelter, transportation, and clothing. The department pays licensed providers for the treatment portion of the per diem payment for therapeutic youth group homes currently classified as Level VI under this subsection. Therefore, no level of treatment in (4) of this rule applies to therapeutic youth group homes. However, as a prerequisite to licensure under the department's licensing rules in ARM Title 37, chapter 97, therapeutic youth group homes must abide by the applicable child/staff ratios for all staff including but not limited to program managers and lead clinical staff persons. For the purpose of calculating the ratio to check for compliance under the licensing requirements, only full-time contracted or employed program managers and lead clinical staff persons, or the equivalent number of part-time program managers and lead clinical staff persons, may be counted as "one" program manager or lead clinical staff person. Full-time program manager or lead clinical staff person means a program manager or lead clinical staff person who normally works for the therapeutic youth group home 40 hours per week.
- (g) In Level VII, a facility must be licensed as a child care agency-maternity home. A facility at this level provides the basic living needs of pregnant and parenting youth, including food, shelter, transportation, recreation, and clothing. The facility also provides the basic living needs of the child or children of the parenting youth, including food, shelter, baby formula, diapers, transportation, clothing, and access to day care services. Shift staff shall be employed to provide 24-hour intensive supervision in a home-like environment with back-up staff available. The facility may reduce the number of shift staff required for intensive supervision during hours in which the youth attend public school when a professional staff is on the premises who is able to perform all shift staff duties as necessary. In addition, the facility will employ a program manager who provides program oversight and the functions described in ARM 37.97.206(6), and administrative support personnel. Professional staff must be employed to provide counseling and case management services, to include:
 - (i) individual and group counseling designed to address the youth's mild delinquent, emotional, social, and behavior problems;
 - (ii) development, implementation, and monitoring of individualized written case plans for each youth;
 - (iii) to assist shift staff in the initial and ongoing assessment of the safety and well-being of each youth and child in residence; and
 - (iv) will assist shift staff in teaching skill-building techniques, parenting, and life management skills to parenting youth to facilitate the acceptable adjustment to a community or family setting.
- (h) In Level VIII, a transitional living program for parents and children, a facility must be licensed as a child care agency-maternity home. A facility at this level provides the basic living needs of the parenting youth, age 16 to 21 years of age, including food, shelter, transportation, recreation, and clothing. The facility also provides the basic living needs of the child or children of the parenting youth, including food, shelter, baby formula, diapers, transportation, clothing, and access to day care services. The child of the parenting youth

must be under the custody of the state or the parenting youth must be working with the state under a voluntary agreement under 41-3-302, MCA. Shift staff must be employed to provide 24-hour intensive supervision in a home-like environment with back-up staff available. In this level, therapeutic treatment of the parenting youth may be provided as an ancillary service. In addition, the facility will employ a program manager who provides program oversight and the functions described in ARM 37.97.206(6), and administrative support personnel. The facility must employ professional staff to:

- (i) provide counseling and case management services with an emphasis on the relationship between the parenting youth and the child(ren) being the central focus;
- (ii) assist shift staff in the initial and ongoing assessment of the safety and well-being of each parenting youth and child(ren) in residence; and
- (iii) assist shift staff in teaching skill-building techniques, parenting, and life management skills to parenting youth to facilitate the acceptable adjustment to a community or family setting.

(4) There are three levels of treatment in the classification model:

- (a) In basic treatment, professional staff employed by the facility provide structured individual and group therapeutic services designed to address the youth's mild delinquent, emotional, social, and behavior problems. Staff implements skill-building techniques to assist the youth in progressing toward an acceptable adjustment to his family, school, and community. This level of treatment requires more than the day-to-day supervision by caretakers.
- (b) In intermediate treatment, trained shift staff under the supervision of professionals, perform assessments, develop and implement planned interventions designed to address an individual youth's serious delinquent, emotional, social, and behavior problems. Structured group and individual therapeutic services are provided according to the youth's written case plan.
- (c) In intensive treatment, intensive group and individual therapeutic services are provided by the facility to youth experiencing severe delinquent, emotional, social, and behavior problems which prevent an acceptable adjustment to the youth's family, school, and community. Treatment strategies are based upon an individual assessment of the youth and are administered according to a written treatment plan developed by the facility's professional staff. Group, individual, and family therapy are provided by the facility's professional staff. The youth's medical and psychological needs are addressed in the youth's treatment plan and qualified, professional staff monitors the medical and psychological needs of the youth. All services are provided by the facility as part of the regular services provided.

(5) Facilities will be classified by the department according to the above criteria. Each level of supervision and treatment is assigned a model rate on the model rate matrix of the department. Each classified facility will be offered a daily rate, which is a percentage of the model rate assigned to facilities in that classification.

(6) The department adopts and incorporates by reference the department's model rate matrix, effective July 1, 2014. A copy of the model rate matrix of the department is available upon request from the Department of Public Health and Human Services, Child and Family Services Division, Operations and Fiscal Bureau, 1400 Broadway, P.O. Box 8005, Helena, MT 59604-8005. A copy

may also be obtained at this web site: <http://www.dphhs.mt.gov/cfsd/>. The department will review and revise its model rate matrix at least once every two years.

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

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

History: NEW, 1989 MAR p. 20, Eff. 1/13/89; AMD, 1993 MAR p. 147, Eff. 1/29/93; AMD, 1993 MAR p. 1208, Eff. 6/11/93; AMD, 1995 MAR p. 1118, Eff. 7/1/95; AMD, 1997 MAR p. 1663, Eff. 9/23/97; TRANS, from DFS, 1998 MAR p. 488; AMD, 2002 MAR p. 1557, Eff. 5/31/02; AMD, 2015 MAR p. 24, Eff. 1/16/15.