



ADMINISTRATIVE RULES OF MONTANA



37.106.2838 RESIDENT TOILETS AND BATHING

- (1) The facility shall provide:
 - (a) at least one toilet for every four residents;
 - (b) one bathing facility for every 12 residents; and
 - (c) a toilet and sink in each toilet room.
- (2) All resident rooms with toilets or shower/bathing facilities must have an operable window to the outside or must be exhausted to the outside by a mechanical ventilation system.
- (3) Each resident room bathroom shall:
 - (a) be in a separate room with a toilet. A sink need not be in the bathroom but shall be in close proximity to the toilet. A shower or tub is not required if the facility utilizes a central bathing unit or units; and
 - (b) have at least one towel bar per resident, one toilet paper holder, one accessible mirror and storage for toiletry items.
- (4) All doors to resident bathrooms shall open outward or slide into the wall and shall be unlockable from the outside.
 - (a) Dutch doors, bi-folding doors, sliding pocket doors and other bi-swing doors may be used if they do not impede the bathroom access width and are approved by the department. A shared bathroom with two means of access is also acceptable.
 - (b) Resident bathroom door locks must be operable, on the resident side of the door, with a single motion and may not require special knowledge for the resident to open.
- (5) In rooms used by category C or other special needs residents, the bathroom does not have to be in a separate room and does not require a door.
- (6) Each resident must have access to a toilet room without entering another resident's room or the kitchen, dining, or living areas.
- (7) Each resident bathroom or bathing room shall have a fixed emergency call system accessible to an individual collapsed on the floor that reports to the staff location with an audible signal. The device must be silenced at that location only. Vibrating systems are acceptable.
- (8) In category D facilities or units, bathroom call cords or strings in excess of 6 inches shall not be permitted.

- (9) Any provision of this rule may be waived at the discretion of the department if conditions in existence prior to December 27, 2002, or construction factors would make compliance extremely difficult or impossible and if the department determines that the level of safety to residents and staff is not diminished.

Authorizing statute(s): 50-5-103, 50-5-226, 50-5-227, MCA

Implementing statute(s): 50-5-225, 50-5-226, 50-5-227, MCA

History: NEW, 2002 MAR p. 3638, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04; AMD, 2022 MAR p. 1857, Eff. 9/24/22.