



## ADMINISTRATIVE RULES OF MONTANA



### **37.106.2814 ADMINISTRATOR**

- (1) Each assisted living facility shall employ an administrator. The administrator is responsible for operation of the assisted living facility at all times and shall ensure 24-hour supervision of the residents.
- (2) The administrator must meet the following minimum requirements:
  - (a) be currently licensed as a nursing home administrator in Montana or another state; or
  - (b) has successfully completed all of the self study modules of "A Management Reference for Executive Directors - Admin Level 1 Certificate Program," a component of the assisted living training system published by the Senior Living University (SLU) or an alternate, approved program; or
  - (c) be enrolled in and complete the self study course referenced in (2) (b) , within six months from hire.
- (3) The administrator must show evidence of at least 16 contact hours of annual continuing education relevant to the individual's duties and responsibilities as administrator of the assisted living facility.
  - (a) A nursing home administrator license or the SLU certification may count as 16 hours of annual continuing education but only for the calendar year in which the license or certification was initially obtained.
- (4) In the absence of the administrator, a staff member must be designated to oversee the operation of the facility. The administrator or designee shall be in charge, on call, and physically available on a daily basis as needed, and shall ensure there are sufficient, qualified staff so that the care, well-being, health, and safety needs of the residents are met at all times.
  - (a) If the administrator will be absent from the facility for more than 30 continuous days, the department shall be given written notice of the individual who has been appointed the designee. The appointed designee must meet all the requirements of (1) and (2).
- (5) The administrator or designee may not be a resident of the facility.
  - (a) A designee must:
    - (i) be age 18 or older; and
    - (ii) have demonstrated competencies required to assure protection of the safety and physical, mental, and emotional health of residents.
- (6) The administrator or designee shall:

- (a) ensure that the current facility license or licenses are posted at a place in the facility that is accessible to the public at all times;
  - (b) oversee the day-to-day operation of the facility including:
    - (i) all personal care services for residents;
    - (ii) the employment, training, and supervision of staff and volunteers;
    - (iii) maintenance of buildings and grounds; and
    - (iv) record keeping; and
  - (c) protect the safety and physical, mental, and emotional health of residents.
- (7) The facility shall notify the department within five days of an administrator's departure or a new administrator's employment.
  - (8) The administrator or designee shall initiate transfer of a resident through the resident and/or the resident's practitioner, appropriate agencies, or the resident's legal representative when the resident's condition is not within the scope of services of the assisted living facility.
  - (9) The administrator or designee shall accept and retain only those residents whose needs can be met by the facility and who meet the acceptance criteria found in 50-5-226 , MCA.
  - (10) The administrator or designee must ensure that a resident who is ambulatory only with mechanical assistance is:
    - (a) able to safely self-evacuate the facility without the aid of an elevator or similar mechanical lift;
    - (b) have the ability to move past a building code approved occupancy barrier or smoke barrier into an adjacent wing or building section; or
    - (c) reach and enter an approved area of refuge.
  - (11) The administrator or designee shall ensure and document that orientation is provided to all employees at a level appropriate to the employee's job responsibilities.
  - (12) The administrator or designee shall review every accident or incident causing injury to a resident and document the appropriate corrective action taken to avoid a reoccurrence.
  - (13) The owner of an assisted living facility may serve as administrator, or in any staff capacity, if the owner meets the qualifications specified in these rules.

**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

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**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.