



ADMINISTRATIVE RULES OF MONTANA

37.99.102 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: DEFINITIONS

- (1) "Adolescent" means any person between the ages of 10 and 19 years who is placed in a program by a parent/legal guardian.
 - (a) Upon admission to the program, the adolescent is considered a program participant.
 - (b) The adolescent may remain as a program participant up to the age of 20 if they are enrolled in an accredited secondary school.
- (2) "Case plan" means a specific plan for providing care, treatment, and services of any kind to a specific program participant.
- (3) "Chemical restraint" means the use of a drug or medication that is used to control behavior or restrict the program participant's freedom of movement, and which is not a standard treatment for the program participant's medical or psychiatric condition.
- (4) "Correspondence search" means reading a program participant's mail or inspecting the contents of a package.
- (5) "Department" means the Department of Public Health and Human Services.
- (6) "Direct care staff" or "staff" means program personnel who directly participate in the care, supervision, and guidance of the program participants.
- (7) "Discharge plan" means a realistic plan developed to transition the program participant home or to a less restrictive and appropriate placement with specific services identified and available.
- (8) "Licensed addiction counselor" means a person licensed under Title 37, chapter 35, MCA.
- (9) "Licensed health care professional" means a licensed physician, physician assistant, or advanced practice registered nurse who is practicing within the scope of the license issued by the Department of Labor and Industry.
- (10) "Licensure bureau" means the Office of Inspector General Licensure Bureau.
- (11) "Mechanical restraint" means the use of devices as a means of restricting a person's freedom of movement.
- (12) "Mental health professional" means a person licensed pursuant to Title 37, chapters 22, 23, or 37, MCA, as a clinical professional, social worker, or marriage and family therapist.
- (13) "Near miss" means an unplanned, unforeseen, or potentially dangerous situation where safety was compromised but that did not result in injury.

- (14) "Pat-down search" means a body search done outside of a person's clothing with the intention of locating suspected contraband.
- (15) "Personal property search" means a search which includes going through a program participant's personal property and/or room including closet, bed, desk, dresser drawers, backpacks, etc., with the intention of looking for contraband.
- (16) "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a program participant to walk to a safe location.
- (17) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of the free movement of an individual's arms, legs, or head. Such term does not include physical escort.
- (18) "Program participant-to-staff ratio" means the number of program participants in care per each on-duty awake direct care staff member.
- (19) "Seclusion" means a behavior control technique involving locked isolation in which the program participant is physically prevented from leaving. Such term does not include time-out.
- (20) "Self-administration assistance" means providing necessary assistance to any program participant in taking their medication, including:
 - (a) removing medication containers from secured storage;
 - (b) providing verbal suggestions, promoting, reminding, gesturing or providing a written guide for self-administering medications;
 - (c) handling a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy;
 - (d) opening the lid of the above container for the program participant;
 - (e) guiding the hand of the program participant to self-administer the medication;
 - (f) holding and assisting the program participant in drinking fluid to assist in the swallowing of oral medications; and
 - (g) assisting with removal of a medication from a container for program participant with a physical disability which prevents independence in the act.
- (21) "Serious incident" means suicide attempt, use of excessive physical force by staff, use of a restraint or seclusion, physical or sexual assault of a program participant by staff, or another program participant, injury to a program participant which requires emergency medical care, known, or suspected abuse or neglect (as defined in 41-3-102, MCA), of a program participant by staff or another program participant, a near miss or the death of a program participant, elopement, or an incident that involves law enforcement.
- (22) "Time-out" means the restriction of a program participant for a period of time to a designated unlocked area from which the program participant is not physically prevented from leaving for the purpose of providing the program participant the opportunity to regain self-control.

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

Implementing statute(s): 52-2-802, 52-2-803, 52-2-805, MCA



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