



ADMINISTRATIVE RULES OF MONTANA



37.106.2115 CLIENT PROTECTIONS, THE PROTECTION OF RESIDENTS' RIGHTS

- (1) The facility must ensure the rights of all of the clients and must:
 - (a) inform each client or legal guardian of the client's rights and the rules of the facility;
 - (b) inform each client or legal guardian of the client's medical condition, developmental and behavioral status, attendant risks of treatment, and of the right to refuse treatment;
 - (c) inform the individual client of their rights as a client of the facility, including the right to file complaints, the right to protection against any retaliation when filing a complaint and the right to due process;
 - (d) allow the individual client to manage their financial affairs and teach them to do so to the extent of their capabilities;
 - (e) ensure that each client is not subjected to abuse, sexual abuse, neglect, exploitation or punishment;
 - (f) ensure that each client is free from unnecessary drugs and unnecessary physical restraints;
 - (g) provide each client with the opportunity for personal privacy and ensure privacy during treatment and care of personal needs;
 - (h) ensure that each client is not compelled to perform services for the facility and ensure that each client who does work for the facility is compensated for their efforts at prevailing wages and commensurate with their abilities;
 - (i) ensure each client the opportunity to communicate, associate and meet privately with individuals and to send and receive unopened mail, except that these rights may be restricted as provided in Title 53, part 20, MCA;
 - (j) ensure that each client has access to telephones with privacy for incoming and outgoing local and long distance calls, except that these rights may be restricted as provided in Title 53, part 20, MCA;
 - (k) ensure that each client has the right to retain and use appropriate personal possessions and clothing, and ensure that each client is dressed in their own clothing each day, except that these rights may be restricted as provided in Title 53, part 20, MCA;
 - (l) ensure the client the opportunity to participate in social, religious and community group activities, except that these rights may be restricted as provided in Title 53, part 20, MCA; and

- (m) permit a husband and wife who both reside in the facility to share a room. This right may only be limited by written order of the individual treatment planning team when there is no less restrictive means for preventing imminent bodily harm to either partner, or when either partner requests a separate room. The written order must explain the reason for the restriction and must be reviewed monthly by the individual treatment planning team if the restriction is to be continued.
- (2) Any rights to which residents are entitled under this subchapter may be limited as provided in Title 53, part 20, MCA.

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.