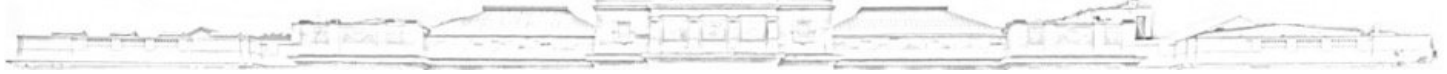




ADMINISTRATIVE RULES OF MONTANA



20.28.116 LICENSING

- (1) A regional correctional facility constructed or operated by an individual, corporation, partnership, association, or other private organization or entity must be licensed by the department in order to operate.
- (2) The facility must prominently display its license in the general administration area of the facility.
- (3) A license is not transferable.
- (4) The facility must renew its license annually on the expiration date of the previous year's license.
 - (a) The department may renew the facility's license only if the department determines the facility shows it is in at least 90% compliance with the department's applicable policies, procedures, and practices and with ACA and NCCHC standards as determined on the department's compliance reviews.
- (5) The department may deny, suspend, restrict, revoke, or reduce to provisional status a facility's license if it determines:
 - (a) the facility is not in at least 90% compliance with the department's applicable policies and procedures and with ACA and NCCHC standards;
 - (b) the facility has made material misrepresentations to the department regarding the facility's management or operation;
 - (c) the facility has failed to comply with a plan of correction designed to correct deficiencies in the facility's management or operation; or
 - (d) the facility has failed to become accredited by the ACA or NCCHC within its first three years or has failed to maintain its accreditation.
- (6) A regional correctional facility constructed or operated by an individual, corporation, partnership, association, or other private organization or entity must apply to the department in writing for its initial license at least 90 days before the date it accepts state inmates, and must apply in writing at least 60 days prior to its license expiration to renew a current license.
- (7) This rule does not apply to facilities that are operational on the effective date of these rules.

Authorizing statute(s): 53-30-507, MCA

Implementing statute(s): 53-30-504, 53-30-507, MCA

History: NEW, 2007 MAR p. 36, Eff. 1/12/07.