



ADMINISTRATIVE RULES OF MONTANA



37.97.115 YOUTH CARE FACILITY (YCF): LICENSE DENIAL, SUSPENSION, RESTRICTION, AND REVOCATION

- (1) The department, after written notice to the applicant or licensee, may deny, suspend, restrict, revoke, or reduce to a provisional status a license upon a finding of any of the following that:
 - (a) the YCF is not in compliance with fire safety standards;
 - (b) the YCF is not in substantial compliance with any other licensing requirements established by this chapter;
 - (c) the YCF has made any misrepresentations to the department, either negligent or intentional, regarding any aspect of its operations or facility;
 - (d) the YCF has failed to use the foster care payments for the support of the foster child;
 - (e) the YCF or its staff have been named as the perpetrator in a substantiated report of abuse or neglect;
 - (f) the YCF or any member of its staff has violated provisions of this subchapter that resulted in child abuse or neglect;
 - (g) the YCF or any member of its staff do not meet the requirements in ARM 37.97.140;
 - (h) the YCF failed to report an incident of abuse or neglect to the department or its local affiliate as required by 41-3-201, MCA;
 - (i) it is determined on the basis of a department or law enforcement investigation that the YCF, its staff or anyone living in a YCF may pose any risk or threat to the safety or welfare of any youth placed in the YCF; or
 - (j) the YCF has failed to provide an acceptable written plan of correction as specified in ARM 37.97.110.
- (2) At the discretion of the department and for protection of the youth, youth may be moved immediately upon receipt of a report of sexual or physical abuse or neglect by the YCF.
- (3) Any person denied a license under the provisions of this subchapter, or whose license has been suspended, restricted, revoked, or reduced to a provisional status, may request a hearing as provided in ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.313, 37.5.316, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.

Authorizing statute(s): 52-2-111, 52-2-603, 52-2-622, MCA

Implementing statute(s): 52-2-113, 52-2-603, 52-2-622, 53-2-201, MCA

History: NEW, 1978 MAR p. 88, Eff. 1/26/78; AMD, 1983 MAR p. 742, Eff. 7/1/83; AMD, 1983 MAR p. 1746, Eff. 11/26/83; AMD, 1984 MAR p. 1635, Eff. 11/16/84; AMD, 1986 MAR p. 2080, Eff. 12/27/86; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; AMD, 1990 MAR p. 590, Eff. 3/30/90; AMD, 1991 MAR p. 2605, Eff. 12/27/91; TRANS, from DFS, 1998 MAR p. 663; AMD, 2011 MAR p. 387, Eff. 3/25/11.