



ADMINISTRATIVE RULES OF MONTANA



37.99.132 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: PHYSICAL ENVIRONMENT

- (1) Each program must comply with all applicable federal, state, and local regulations, laws, and building codes.
- (2) Adequate space must be provided for all phases of daily living, including recreation, privacy, group activities, and visits from family, friends, and community acquaintances.
- (3) Program participants must have indoor areas of at least 40 square feet of floor space per program participant for quiet, reading, study, relaxing, and recreation. The minimum space requirement may not include halls, kitchens, and any rooms not used by program participants.
- (4) A bedroom must contain at least 50 square feet of floor space per person. Bedrooms for single occupancy must have at least 80 square feet.
- (5) The maximum number of program participants per bedroom must not exceed four. The bedrooms must have floor to ceiling walls.
- (6) Program participants sharing a bedroom must be no more than 3 years in age apart.
- (7) The program must provide:
 - (a) at least one toilet for every eight program participants; and
 - (b) one bathing facility for every eight program participants.
- (8) All rooms with toilets or shower and bathing facilities must have an operable window to the outside or must be exhausted to the outside by a mechanical ventilation system.
- (9) Each program participant must have access to a bathroom without entering another bedroom, the kitchen, or dining areas.
- (10) Hot and cold water must be available in all kitchens, bathrooms, and laundry. The temperature of hot water supplied to handwashing and bathing facilities must not exceed 120°F.
- (11) For adequate housekeeping the program must ensure that:
 - (a) the building and grounds are free, to the extent possible, of harborage for insects, rodents, and other vermin;
 - (b) all electrical, mechanical, plumbing, fire protection, heating, and sewage disposal systems must be kept in operational condition;
 - (c) the floors, walls, ceilings, furnishings, and other equipment is clean and in good repair free of hazards, and offensive odors;

- (d) cleaning equipment and supplies are provided in sufficient quantity to meet the housekeeping needs of the facility; and
 - (e) a maintenance policy and schedule, which describes the regular maintenance of the facility, is adhered to.
- (12) All rooms and hallways must have adequate lighting.
- (13) Programs must post a sign within the facility that is accessible to all program participants and to the public. The sign must provide information on what agency should be contacted to report a violation of law or policy and must include contact information for the Office of Inspector General Licensure Bureau, the Montana Child Abuse and Neglect Hotline (866-820-5437), and local law enforcement.
- (14) With respect to any conditions in existence in licensed programs prior to October 1, 2019, the specific requirements in this rule may be modified by the department to allow alternative arrangements that will provide that same level of safety to program participants and staff. In no case will the modification afford less safety than that which, in the discretion of the department, would be provided by compliance with the corresponding requirement in this rule.

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

Implementing statute(s): 52-2-803, 52-2-805, 52-2-809, 52-2-810, MCA

History: NEW, 2019 MAR p. 2029, Eff. 11/9/19; AMD, 2024 MAR p. 2155, Eff. 9/7/24.