



ADMINISTRATIVE RULES OF MONTANA



37.106.2816 ASSISTED LIVING FACILITY STAFFING

- (1) The administrator shall develop minimum qualifications for the hiring of direct care staff and support staff.
- (2) The administrator shall develop policies and procedures for conducting criminal background checks, hiring, and assessing staff, which include practices that assist the employer in identifying employees who may pose risk or threat to the health, safety, or welfare of any resident and provide written documentation of findings and the outcome in the employee's file.
 - (a) A name-based or FBI fingerprint background check shall be conducted on all employees who have accepted employment at an assisted living facility.
 - (i) If an applicant has lived outside the state within the past five years, the assisted living facility must complete background checks in every state in which the applicant has resided within the past five years unless the name-based background check yields nationwide results, or the facility may conduct a FBI fingerprint background check.
 - (b) The administrator may allow an employee to work provisionally pending the background check results so long as there are no indications the employee poses a risk or threat to the health, safety, or welfare of the residents in the facility.
 - (c) An assisted living facility may not employ any person who meets the criteria of 50-5-225(4), MCA.
- (3) New employees shall receive orientation and training in areas relevant to the employee's duties and responsibilities, including:
 - (a) an overview of the facility's policies and procedures manual in areas relevant to the employee's job responsibilities;
 - (b) a review of the employee's job description;
 - (c) services provided by the facility;
 - (d) the Montana Elder and Persons with Developmental Disabilities Abuse Prevention Act found at 52-3-801 et seq., MCA;
 - (e) the Montana Long-Term Care Resident Bill of Rights Act found at 50-5-1101 et seq., MCA;
 - (f) staff who are responsible for assisting with self-administration of medication will receive orientation and training on resident Medication Administration Records (MARs) and the five rights of medication administration; and

- (g) all direct care staff will receive, at minimum, two hours of training in dementia care upon hire and annually thereafter.
- (4) In addition to meeting the requirements of (3) , direct care staff shall be trained to perform the services established in each resident service plan.
 - (a) Direct care staff will review each resident's current service plan or health care plan and document that they have reviewed the plan and can perform the services required.
- (5) Direct care staff shall be trained in the use of the abdominal thrust maneuver and basic first aid. If the facility offers cardiopulmonary resuscitation (CPR) , at least one person per shift shall hold a current CPR certificate.
- (6) The following rules must be followed in staffing the assisted living facility:
 - (a) direct care staff shall have knowledge of the resident's needs and any events about which the employee should notify the administrator or the administrator's designated representative;
 - (b) the facility shall have a sufficient number of qualified staff on duty 24 hours a day to meet the scheduled and unscheduled needs of each resident, to respond in emergency situations, and all related services, including:
 - (i) maintenance of order, safety, and cleanliness;
 - (ii) assistance with medication regimens;
 - (iii) preparation and service of meals;
 - (iv) housekeeping services and assistance with laundry; and
 - (v) assurance that each resident receives the supervision and care required by the service or health care plan to meet the resident's basic needs;
 - (c) an individual on each work shift shall have keys to all relevant resident care areas and access to all items needed to provide appropriate resident care;
 - (d) direct care staff may not perform any service for which they have not received appropriate documented training; and
 - (e) facility staff may not perform any health care service that has not been appropriately delegated under the Montana Nurse Practice Act or in the case of licensed health care professionals, that is beyond the scope of their license.
- (7) Employees and volunteers may perform support services, such as cooking, housekeeping, laundering, general maintenance and office work after receiving an orientation to the appropriate sections of the facility's policy and procedure manual. Any person providing direct care, however, is subject to the orientation and training requirements for direct care staff.
- (8) Volunteers may be utilized in the facility, but may not be included in the facility's staffing plan in lieu of facility employees. In addition, the use of volunteers is subject to the following:
 - (a) volunteers must be supervised and be familiar with resident rights and the facility's policies and procedures which apply to their duties as a volunteer; and
 - (b) volunteers shall not assist with medication administration, delegated nursing tasks, bathing, toileting, or transferring.

- (9) Residents may participate voluntarily in performing household duties and other tasks suited to the individual resident's needs and abilities, but residents may not be used as substitutes for required staff or be required to perform household duties or other facility tasks.

Authorizing statute(s): 50-5-103, 50-5-226, 50-5-227, MCA

Implementing statute(s): 50-5-225, 50-5-226, 50-5-227, MCA

History: NEW, 2002 MAR p. 3638, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04; AMD, 2022 MAR p. 1857, Eff. 9/24/22.