



ADMINISTRATIVE RULES OF MONTANA



37.99.125 PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL PROGRAMS: RIGHTS AND GRIEVANCES

- (1) The program must have a written program participant rights policy that supports and protects the fundamental human, civil, constitutional, and statutory rights of all program participants. These rights must include:
 - (a) to be treated with dignity and respect;
 - (b) freedom from abuse, neglect, exploitation, harassment, and unnecessary physical restraint;
 - (c) freedom from corporal, cruel, harsh, or unnecessary punishment, name calling, infliction of pain, or excessive physical exercise;
 - (d) to adequate food, water, clothing, school supplies, and personal hygiene supplies;
 - (e) to receive care and services according to individual need;
 - (f) to educational services in accordance with Montana state law, if the program operates during the school year;
 - (g) freedom from discrimination;
 - (h) to a safe environment with respect for human dignity;
 - (i) to the protection of the privacy of information and records regarding each program participant and the participant's family;
 - (j) to communication and visitation privileges with family in person, by mail, or by phone;
 - (k) to be allowed to contact the Montana abuse reporting hotline to report allegations of abuse and neglect;
 - (l) to submit complaints and alleged violations of these rules, including a prohibition on retaliation against a program participant for submitting such a complaint;
 - (m) to personal privacy, when it is not contrary to the treatment and safety needs of the program participant; and
 - (n) for consideration of the program participant's opinions and recommendations when developing the case plan.
- (2) A program is prohibited from:
 - (a) using physical discipline or the threat of physical discipline as a punishment, deterrent, or incentive;

- (b) unlawfully depriving a program participant of a basic necessity or a fundamental right, including education;
 - (c) admitting a program participant who is under the age approved on the license or has a condition that the program is not authorized to treat pursuant to the program's admission policy;
 - (d) using medical, chemical, or mechanical restraints;
 - (e) using physical restraints, except in emergency circumstances to ensure the immediate physical safety of the program participant, a staff member, or others, when less restrictive interventions have been determined to be ineffective;
 - (f) using a licensure candidate to provide mental health professional services if the parent/legal guardian of a program participant has not provided written consent;
 - (g) using seclusion; and
 - (h) sexually abusing, exploiting, or harassing a program participant.
- (3) The program must review the program participant rights policy with the program participant and parent/legal guardian at the time of admission.
- (a) The program staff reviewing the policy, the program participant, and parent/legal guardian of the program participant must sign a statement acknowledging the review.
 - (b) The signed statement must be maintained in the program participant's file.
- (4) The program must have a written grievance policy which outlines the procedures to be followed by a program participant or parent/legal guardian in presenting a grievance to the program.
- (5) The program must review the grievance policy with the program participant and parent/legal guardian at the time of admission.
- (a) The program staff reviewing the policy, the program participant, and parent/legal guardian of the program participant must sign a statement acknowledging the review.
 - (b) The signed statement must be maintained in the program participant's file.
- (6) Any written grievance report must be maintained in the program participant's file. The report must include the nature of the complaint, the date of the complaint, and a statement indicating how the issue was resolved.

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

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

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