



ADMINISTRATIVE RULES OF MONTANA



37.97.102 YOUTH CARE FACILITY (YCF): DEFINITIONS

The following definitions apply to all YCF licensing rules:

- (1) "Chemical restraint" means the use of a drug or medication that is used to control behavior or restrict the youth's freedom of movement, and which is not a standard treatment for the youth's medical or psychiatric condition. The use of chemical restraint is prohibited in all YCFs.
- (2) "Child" or "youth" means any person under the age of 18 years, without regard to emancipation, except for youth covered by Montana Medicaid programs which allow for participation of youth up to the age of 20 years as defined in ARM 37.87.102, and parenting or pregnant youth, up to the age of 21 years, who are placed in a child care agency-maternity home.
- (3) "Child care agency" means any YCF in which substitute care is provided to 13 or more youth.
- (4) "Clinical assessment" means an assessment with a DSM diagnosis and a social history completed by the mental health professional. Clinical assessments include the following information:
 - (a) diagnosis supported by a rationale, with specific behaviors and risk factors identified;
 - (b) trauma history;
 - (c) substance use history;
 - (d) presenting problem;
 - (e) history of problem;
 - (f) psychiatric history (interventions, responses to treatment, medications);
 - (g) developmental history;
 - (h) medical history;
 - (i) social and educational history; and
 - (j) identified strengths and needs.
- (5) "Correspondence search" means opening, inspecting, and/or reading a youth's mail or inspecting the contents of a package.
- (6) "Department" means Department of Public Health and Human Services.
- (7) "Direct care staff" means YCF personnel who directly participate in the care, supervision, and guidance of youth in a YCF.

- (8) "Discharge plan" means a realistic plan developed at the time of admission to transition the youth to a less restrictive and appropriate placement with specific services identified and available.
- (9) "Family" means the youth, the youth's biological, adoptive, or foster family, including siblings, grandparents, and fictive kin, which refers to someone who, though unrelated by birth or marriage, has such a close emotional relationship with the youth that they may be considered part of the family.
- (10) "Licensure bureau" means the area of the department responsible for licensing a YCF.
- (11) "Maternity home" means a YCF which provides for the care and maintenance of youth during pregnancy, childbirth, and postnatal periods. A maternity home must meet the licensing requirements of a child care agency regardless of the number of residents served.
- (12) "Mechanical restraint" means the use of devices as a means of restricting a youth's freedom of movement. The use of mechanical restraint is prohibited in any YCF.
- (13) "Mental health professional" means a licensed clinical psychologist, licensed clinical social worker (LCSW), licensed marriage and family therapist (LMFT), licensed clinical professional counselor (LCPC), or any of following licensure candidates under Title 37, chapter 22, 23, or 37, MCA:
 - (a) social worker licensure candidate;
 - (b) professional counselor licensure candidate; or
 - (c) marriage and family therapist licensure candidate.
- (14) "Pat-down search" means a body search done outside of a youth's clothing with the intention of locating suspected contraband.
- (15) "Personal property search" means a search which includes but is not limited to going through a youth's personal property and/or room including closet, bed, desk, dresser drawers, etc., with the intention of looking for contraband.
- (16) "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a youth who is acting out to walk to a safe location.
- (17) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of the free movement of an individual's arms, legs, or head. Such term does not include physical escort. Physical restraint may be imposed only in emergency circumstances and only to ensure the immediate physical safety of the resident, a staff member, or others, when less restrictive interventions have been determined to be ineffective.
- (18) "Program manager" means an employee of a therapeutic group home provider who is responsible for the overall management and supervision of the program. A program manager must have a bachelor's degree in human services, or the experience and education, equivalent to a bachelor's degree. Human services experience equivalent to a bachelor's degree for a nondegree program manager is six years. Each year of post-secondary education in human services for a nondegree program manager equals one year of experience.
- (19) "Seclusion" means a behavior control technique involving locked isolation in which the resident is physically prevented from leaving. Such term does not include time-out. Seclusion is prohibited in licensed YCFs.

- (20) "Serious incident" means suicide attempt, use of excessive physical force by staff, physical or sexual assault of a youth by resident or staff, injury to a youth which requires emergency medical care, known or suspected abuse or neglect of a youth by staff or resident, or the death of a youth.
- (21) "Substitute care" means the full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or who are without the care and supervision of their parents or guardian.
- (22) "Therapeutic group home (TGH)" means a treatment facility providing therapeutic services licensed and under contract with the department as a YCF with the supervision and intensity of treatment required to manage and treat up to eight youth who present severe emotional disturbance (SED) and/or behavioral disorders as determined by the department.
- (23) "Therapeutic intervention" means interventions that are implemented as described in the TGH trauma informed treatment model addressing goals and objectives identified in the youth's treatment plan.
- (24) "Therapeutic milieu" means the entire treatment environment in which comprehensive treatment is delivered as described in the TGH's policy and procedures.
- (25) "Therapeutic services" means the provision of therapy and therapeutic interventions to reduce the impairment of the youth's mental disability and to improve the youth's functional level; to alleviate the emotional disturbances; to reverse or change maladaptive patterns of behavior, and to encourage personal growth and development. Therapeutic services must be provided under a treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma specific interventions to address trauma's consequences and facilitate healing.
- (26) "Therapy" means the provision of appropriate therapeutic services and rehabilitative services provided by the mental health professional acting within the scope of the professional's license and in compliance with the trauma-informed treatment model.
- (27) "Time-out" means the restriction of a youth for a period of time to a designated area from which the resident is not physically prevented from leaving for the purpose of providing the youth the opportunity to regain self control.
- (28) "Youth care facility (YCF)" means a licensed facility in which substitute care is provided to youth and includes youth foster homes, youth group homes, youth shelter care facilities, therapeutic group homes, and child care agencies.
- (29) "Youth group home" means a YCF in which substitute care is provided to seven to 12 youth.
- (30) "Youth group home manager" means an employee of a regular youth group home. The group home manager trains and supervises direct care staff and provides supervision to youth in care no more than 50 percent of the time. A group home manager must have a bachelor's degree in human services, or the experience alone or experience with and education equivalent to a bachelor's degree. Human services experience equivalent to a bachelor's degree for a nondegree manager is six years. Each year of post-secondary education in human services for a nondegree manager equals one year of experience.
- (31) "Youth shelter care facility" means a YCF that regularly serves youth under temporary conditions until the court, probation office, the department, or other appropriate social agency has made other provisions for their care.

- (32) "Youth shelter care manager" means an employee of a youth shelter care home. The shelter care manager trains and supervises direct care staff and provides supervision to youth in care no more than 50 percent of the time. A shelter care manager must have a bachelor's degree in human services, or the experience and education equivalent to a bachelor's degree. Human services experience equivalent to a bachelor's degree for a nondegree manager is six years. Each year of post-secondary education in human services for a nondegree manager equals one year of experience.
- (33) "Youth/staff ratio" means number of youth in care per each on-duty direct care staff member.

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

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