



ADMINISTRATIVE RULES OF MONTANA

20.28.119 CALCULATION OF A PER DIEM RATE-GENERAL PRINCIPLES

- (1) A per diem rate will be determined based on information provided by the regional correctional facility in accordance with the MDOC per diem calculation worksheet. The per diem rate will reflect actual allowable and allocable direct and indirect costs associated with the operation of the regional correctional facility that benefits state inmates. The rate represents the true cost of housing state inmates and is neither more than or less than the actual costs the regional correctional facility incurs because it houses state inmates. It reflects that neither the state nor the regional correctional facility subsidizes the operations of the other.
- (2) The per diem rate the department pays the regional correctional facility will include payment for all the contractual provisions outlined in the contract between the facility and the department.
- (3) The per diem rate will be calculated based on the information the regional correctional facility provides on the MDOC Per Diem Calculation Worksheet for Regional Correctional Facilities. The MDOC Per Diem Calculation Worksheet for Regional Correctional Facilities and instructions for completing it can be found on the department's web site at www.cor.mt.gov.
 - (a) The regional correctional facility's governing body must submit information to the department to document the calculation:
 - (i) the documentation must be provided in the required format; and
 - (ii) it must be included in the governing body's published comprehensive annual financial report (CAFR).
- (4) The per diem rate will be based on effective management and services that are substantially equivalent to the management and services provided by the department and are based on ACA standards. The per diem rate will not include costs for services or items the facility added without the mutual agreement of the department and the regional correctional facility governing body. Approval will not be unreasonably withheld.

Authorizing statute(s): 53-30-507, MCA

Implementing statute(s): 53-30-507, MCA

History: NEW, 2007 MAR p. 36, Eff. 1/12/07.