



## ADMINISTRATIVE RULES OF MONTANA



### **37.5.115 DEVELOPMENTAL DISABILITIES PROGRAMS: APPLICABLE HEARING PROCEDURES**

- (1) Hearings relating to the Developmental Disability Services program are available as follows:
  - (a) except as otherwise provided by department rule, hearings contesting adverse department actions in the Developmental Disabilities Services program are available to the extent provided and according to the procedures specified in ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.
  - (b) hearings contesting a determination by the residential facility screening team that a person is not seriously developmentally disabled and therefore that a commitment or recommitment is not appropriate are available to the extent provided and according to the procedures specified in ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337, subject to the provisions of ARM 37.34.2313;
  - (c) hearings contesting adverse determinations by the Developmental Disabilities Screening Review Board are available to the extent provided and according to the procedures specified in ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337, subject to the provisions of ARM 37.34.2313;
  - (d) hearings contesting adverse department determinations regarding services under the Medicaid Home and Community Services program for persons with developmental disabilities are available to the extent provided and according to the procedures specified in ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337, subject to the provisions of ARM 37.34.919;
  - (e) hearings contesting adverse department actions regarding certification of a person to assist or supervise clients in taking medication are available to the extent provided and according to the procedures specified in ARM 37.34.114, and the provisions of ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 and do not apply to such hearings;
  - (f) hearings contesting adverse actions regarding the individual planning process are available to the extent provided and according to the procedures specified in ARM 37.34.1114 and 37.34.1115, and the provisions of ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 do not apply to such hearings;

- (g) hearings contesting adverse actions regarding the residential facility screening process are available to the extent provided and according to the procedures specified in ARM 37.34.234, and the provisions of 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 do not apply to such hearings; and
- (h) hearings contesting adverse department actions regarding aversive procedures approved for habilitation of a person with developmental disabilities are available to the extent provided and according to the procedures specified in ARM 37.34.1426, and the provisions of ARM 37.5.304, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337 do not apply to such hearings.

**Authorizing statute(s):** 53-2-201, 53-6-113, MCA

**Implementing statute(s):** 53-6-101, 53-6-402, 53-20-125, 53-20-127, 53-20-128, 53-20-129, 53-20-133, 53-20-203, 53-20-204, 53-20-205, 53-20-206, 53-20-209, 53-20-504, MCA

---

**History:** NEW, 2000 MAR p. 1653, Eff. 6/30/00.