

MONTANA

Overview

Montana statutes require adult day care (ADC) licensure through the Department of Public Health and Human Services, Quality Assurance Division Licensure Bureau. All providers of ADC are licensed whether they serve only private pay participants or are reimbursed through Medicaid. No other publicly-funded programs pay for ADC.

The Department provides ADC, called adult day health (ADH), under the Medicaid 1915(b)/(c) Montana Big Sky Waiver program for Elderly and Physically Disabled Persons and also under the 1915(c) waiver for Adults with Severe Disabling Mental Illness. The ADH standards are based on the same licensure requirements as ADC in accordance with the administrative rules of Montana.

Adult day health services (ADHS) may only be furnished by a provider enrolled with the Department of Public Health and Human Services as a Medicaid provider or, in rare instances, by a provider with whom the Department is contracting for home and community-based case management services.

Definitions

Adult day care center means a facility, freestanding or connected to another health care facility, that provides adults, on a regularly scheduled basis, with the care necessary to meet the needs of daily living.

If an ADC center is operated on the premises of another licensed health care facility: the other facility may provide to ADC participants any of the services for which the other facility is licensed, subject to the limitation that overnight service to a participant may be provided for no more than 7 successive nights. An ADC center that is not operated on the premises of another licensed health care facility may not provide overnight service.

Adult day health provides a broad range of health, nutritional, recreational, and social services needed to ensure the optimal functioning of the participant. ADH does not include residential overnight services.

Parameters for Who Can Be Served

Providers may serve frail, impaired elderly, or other disabled adults.

Inspection and Monitoring

After receipt of an application for a new license, the Department conducts an initial inspection within 45 days. After receipt of an application for renewal of a license, the Department inspects the facility without prior notice to the operator or staff.

Routine licensure surveys are conducted every 1-3 years and are unannounced. The duration of a license is dependent on the number and type of deficiencies found during inspection. If any deficiencies relate to the health, safety, and welfare of a participant, a provisional license or a 1-year license is issued.

In addition to its annual licensure inspections, the Department may inspect any facility for compliance without prior notice to the owner or staff of the facility.

Some ADC centers are located in nursing homes. In this case, the nursing home monitors the center in cooperation with the Department.

Required and Optional Services

All ADC programs furnish socialization, social activities, nutrition services, and supervision to ensure safety. They also monitor participants' health and functioning at a basic level to determine if the program can continue to meet participants' health and functional needs.

The table below lists additional required and optional services. Except for assistance with activities of daily living and transportation services, the state's administrative rules do not specify required or optional services for either ADC or ADHS. Services are provided as authorized in a participant's individual care plan.

Required and Optional Services	Adult Day Care	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling		
Health Monitoring/Health-Related Services		
Medication Administration		
Nursing Services		
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services		
Social Services		
Transportation	X ¹	
1. Transportation between the participant's place of residence and the ADC center is provided only as a component of ADHS and the cost is included in the rate paid to Medicaid providers.		

Medication Provisions

If a participant is required to take medication while at an ADC center, the participant must be capable of taking his or her own medications, with the following assistance from staff: (1) reminding the participant to take the medication at the proper time; (2) removing medication containers from storage; (3) assisting with removal of a cap; (4) guiding the hand of the participant; and (5) observing that the participant takes the medication.

Staffing Requirements

Type of Staff. Each ADC center must employ a *manager* who is at all times responsible for the center and must oversee the center's day-to-day operation, including, but not limited to: (1) the provision of services to participants; (2) record-keeping; and (3) employing, training, and/or supervising employees. The owner of an ADC center who meets the necessary qualifications listed in the relevant rule may serve as the manager. At least one employee must be present in the center at all times when a participant is present.

Staffing Ratios. The center must at all times employ sufficient staff to provide the services required by the number and characteristics of its participants.

Training Requirements

Orientation must include: (1) an overview of the ADC center's policies and procedures manual and a presentation regarding how the policies and procedures are to be used and implemented; (2) a review of the employee's job description; (3) a review of services provided by the facility; (4) simulated fire prevention, evacuation, and disaster drills; (5) basic techniques of identifying and correcting potential safety hazards in the facility; and (6) emergency procedures, such as basic first-aid.

Location of Licensing, Certification, or Other Requirements

Montana Code Annotated, Title 50, Health and Safety, Chapter 5: Hospitals and Related Facilities, Part 1: General Provisions. [2005]

http://www.hpm.umn.edu/NHRegsPlus/NHRegs_by_State/Montana/Montana%20Chapter%205.pdf?page=getobject&objectname=mcl-368-1978-17&highlight

Montana Code Annotated, Title 50, Health and Safety, Chapter 5: Hospitals and Related Facilities, Part 2: Licensing. [2005]

http://www.hpm.umn.edu/nhregsplus/NHRegs_by_State/Montana/montana_chapter_5_hrf_part_2.pdf?page=getobject&objectname=mcl-368-1978-17&highlight

Administrative Rules of Montana, Chapter 37.106.26: Health Care Facilities, Adult Day Care. Department of Public Health and Human Services. [December 23, 1994]
<http://www.mtrules.org/gateway/Subchapterhome.asp?scn=37.106.26>

Administrative Rules of Montana, Chapter 37.40.1407: Home and Community-Based Services for Elderly and Physically Disabled Persons, General Requirements. Department of Public Health and Human Services. [August 26, 2011]
<http://www.mtrules.org/gateway/ruleno.asp?RN=37.40.1407>

Administrative Rules of Montana, Chapter 37.40.1445: Home and Community-Based Services for Elderly and Physically Disabled Persons, Adult Day Health. Department of Public Health and Human Services. [July 28, 2000]
<http://www.mtrules.org/gateway/RuleNo.asp?RN=37.40.1445>

Administrative Rules of Montana, Chapter 37.90.430: Home and Community-Based Services Waiver for Adults with Severe Disabling Mental Illness, Adult Day Health Requirements. Department of Public Health and Human Services. [October 27, 2006]
<http://www.mtrules.org/gateway/RuleNo.asp?RN=37.90.430>

Information Sources

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REGULATORY REVIEW OF ADULT DAY SERVICES: FINAL REPORT, 2014 EDITION

Files Available for This Report

FULL REPORT

Executive Summary <http://aspe.hhs.gov/daltcp/reports/2014/adultday14es.cfm>
HTML <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.cfm>
PDF <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.pdf>

SEPARATE STATE PROFILES

[**NOTE:** These profiles are available in the full HTML and PDF versions, as well as each state available as a separate PDF listed below.]

Alabama	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AL.pdf
Alaska	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AK.pdf
Arizona	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AZ.pdf
Arkansas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AR.pdf
California	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CA.pdf
Colorado	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CO.pdf
Connecticut	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CT.pdf
Delaware	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DE.pdf
District of Columbia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DC.pdf
Florida	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-FL.pdf
Georgia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-GA.pdf
Hawaii	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-HI.pdf
Idaho	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ID.pdf
Illinois	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IL.pdf
Indiana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IN.pdf
Iowa	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IA.pdf
Kansas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KS.pdf
Kentucky	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KY.pdf
Louisiana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-LA.pdf

Maine	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ME.pdf
Maryland	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MD.pdf
Massachusetts	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MA.pdf
Michigan	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MI.pdf
Minnesota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MN.pdf
Mississippi	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MS.pdf
Missouri	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MO.pdf
Montana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MT.pdf
Nebraska	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NE.pdf
Nevada	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NV.pdf
New Hampshire	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NH.pdf
New Jersey	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NJ.pdf
New Mexico	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NM.pdf
New York	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NY.pdf
North Carolina	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NC.pdf
North Dakota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ND.pdf
Ohio	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OH.pdf
Oklahoma	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OK.pdf
Oregon	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OR.pdf
Pennsylvania	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-PA.pdf
Rhode Island	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-RI.pdf
South Carolina	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SC.pdf
South Dakota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SD.pdf
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Texas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TX.pdf
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West Virginia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WV.pdf
Wisconsin	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WI.pdf
Wyoming	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WY.pdf