

## CHAPTER 48

### PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS

#### Part 1 -- General Provisions

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#### Chapter Compiler's Comments

*Effective Date:* Section 6, Ch. 294, L. 2005, provided: "[This act] is effective on passage and approval." Approved April 19, 2005.

#### Part 1

#### General Provisions

**37-48-101. Purpose.** The purpose of the board is to examine the benefit of licensing private alternative adolescent residential or outdoor programs as a public service to monitor and maintain a high standard of care and to ensure the safety and well-being of the adolescents and parents using the programs. Necessary licensure processes and safety standards for programs are best developed and monitored by the professionals that are actively engaged in providing private alternative adolescent residential care.

**History:** En. Sec. 2, Ch. 294, L. 2005.

**37-48-102. Definitions.** As used in this part, the following definitions apply:

(1) "Board" means the board of private alternative adolescent residential or outdoor programs provided for in 2-15-1745.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) (a) "Program" means a private alternative adolescent residential or outdoor program that provides a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or learning problems and who have a history of failing in academic, social, moral, or emotional development at home or in less-structured traditional settings.

(b) The term does not include:

(i) any program that is required to be licensed or regulated by the state under Title 50, 52, or 53;

(ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;

(iii) organizations, boarding schools, or residential schools with a sole focus on academics;

(iv) residential training or vocational programs with a sole focus on education and vocational training;

(v) youth camps with a focus on recreation and faith-related activities; or

(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana.

**History: En. Sec. 3, Ch. 294, L. 2005.**

**37-48-103. Powers and duties of board -- registration requirements.** (1) The board shall develop and implement a process for registration of programs and to set fees to carry out its duties under this section.

(2) The board shall:

(a) examine data gathered from the registration process;

(b) examine current regulations and standards applicable to these programs;

(c) determine additional regulations and standards that are needed;

(d) examine the quality of child care available in the various programs, any aspects of existing programs that need improvement, and the positive contributions to or negative interactions with local communities;

(e) determine the need for the continued existence of the board and its duties or responsibilities; and

(f) report to the economic affairs interim committee detailing the board's findings, recommendations, and proposed legislation, if any, by September 15, 2006.

(3) The board shall require information to be provided for registration of programs. The information includes but is not limited to:

(a) a description of the program and facility;

(b) a description of the population served by the program;

(c) the location and contact information for each program, including the person responsible for the conduct of the program;

(d) a list of professional and supervisory employees and relevant credentials and other qualifications;

(e) the average daily census;

(f) a copy of program policies and procedures on:

(i) admission;

- (ii) behavior management;
- (iii) communication with family members;
- (iv) the availability of routine and emergency medical and psychological care; and
- (v) medication management.

(4) The board shall adopt rules to determine any additional information necessary for registration. Registration must be updated annually. The board may set fees as provided in 37-1-134 that may be commensurate with program size. The board shall make available to the public information on the name, address, and contact information for each registered program.

(5) The board is exempt from the provisions in 37-1-105, 37-1-136, 37-1-137, 37-1-138, 37-1-141, and Title 37, chapter 1, parts 2 and 3.

**History: En. Sec. 4, Ch. 294, L. 2005.**