37.106.313 MINIMUM STANDARDS FOR ALL HEALTH CARE FACILITIES:
COMMUNICABLE DISEASE CONTROL

(1) All health care facilities shall develop and implement an infection prevention and control program. At minimum the facility shall develop, implement, and review, at least annually, written policies and procedures regarding infection prevention and control which must include, but not be limited to, procedures to identify high risk individuals and what methods are used to protect, contain or minimize the risk to patients, residents, staff and visitors.

(2) The administrator, or designee, shall be responsible for the direction, provision, and quality of infection prevention and control services.

(History: Sec. 50-5-103 and 50-5-404, MCA; IMP, Sec. 50-5-103, 50-5-204 and 50-5-404, MCA; NEW, 1980 MAR p. 1587, Eff. 6/13/80; TRANS, from DHES, 2002 MAR p. 185; AMD, 2004 MAR p. 582, Eff. 3/12/04.)

37.106.321 MINIMUM STANDARDS FOR ALL HEALTH CARE FACILITIES:
ENVIRONMENTAL CONTROL

(1) A health care facility must be constructed and maintained so as to prevent entrance and harborage of rats, mice, insects, flies, or other vermin.

(2) Hand cleansing soap or detergent and individual towels must be available at each lavatory in the facility. A waste receptacle must be located near each lavatory.

(3) A health care facility shall develop and follow a written infection control surveillance program describing the procedures that must be utilized by the entire facility staff in the identification, investigation, and mitigation of infections acquired in the facility.

(4) Cleaners used in cleaning bathtubs, showers, lavatories, urinals, toilet bowls, toilet seats, and floors must contain fungicides or germicides with current EPA registration for that purpose.

(5) Cleaning devices used for lavatories, toilet bowls, showers, or bathtubs may not be used for other purposes. Those utensils used to clean toilets or urinals must not be allowed to contact other cleaning devices.

(6) Dry dust mops and dry dust cloths may not be used for dusting or other cleaning purposes. Treated mops, wet mops, treated cloths, moist cloths or other means approved by the department which will not spread soil from one place to another must be used for dusting and cleaning and must be stored separately from the cleaning devices described in (5) above.

(7) A minimum of 10 foot-candles of light must be available in all rooms and hallways, with the following exceptions: (a) all reading lamps must have a capacity to provide a minimum of 30 foot-candles of light; (b) all toilet and bathing areas must be provided with a minimum of 30 foot-candles of light; (c) general lighting in food preparation areas must be a minimum of 50 foot-candles of light; (d) hallways must be illuminated at all times by at least a minimum of five foot-candles of light at the floor. (History: Sec. 50-5-103 and 50-5-404, MCA; IMP, Sec. 50-5-103, 50-5-204 and 50-5-404, MCA; NEW, 1980 MAR p. 1587, Eff. 6/13/80; AMD, 1984 MAR p. 973, Eff.6/29/84; TRANS, from DHES, 2002 MAR p. 185.)

37.110.242 SUSPECTED DISEASE TRANSMISSION: PROCEDURE

(1) When the regulatory authority has reasonable cause to suspect possible disease transmission by a food employee of a food service establishment, it may secure a morbidity history of the suspected food employee or make any other investigation as indicated and shall take appropriate action in accordance with ARM 16.28.301. The department may require any or all of the following measures:
(c) adequate medical and laboratory examination of the food employee and of other authorized persons and of his and their body discharges.
(History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, 50-50-105, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.40.330 SEPARATELY BILLABLE ITEMS
(6) All prescribed medication, including flu shots and tine tests, may be billed separately by the pharmacy providing the medication, subject to department rules applicable to outpatient drugs. The nursing facility will bill medicare directly for 100% reimbursement of influenza vaccines and their administration when they are provided to an eligible medicare Part B recipient. Medicaid reimbursement is not available for influenza vaccines and related administration costs for residents that are eligible for medicare Part B.

37.40.306 PROVIDER PARTICIPATION AND TERMINATION REQUIREMENTS (1)
Nursing facility service providers, as a condition of participation in the Montana Medicaid program must meet the following requirements:
(h) maintain admission policies which do not discriminate on the basis of diagnosis or handicap, and which meet the requirements of all federal and state laws prohibiting discrimination against the handicapped, including persons infected with acquired immunity deficiency syndrome/human immunodeficiency virus (AIDS/HIV);
50-5-105. Discrimination prohibited.
(2) (a) A health care facility may not refuse to admit a person to the facility solely because the person has an HIV-related condition.
(b) For the purposes of this subsection (2), the following definitions apply:
(i) "HIV" means the human immunodeficiency virus identified as the causative agent of acquired immunodeficiency syndrome (AIDS) and includes all HIV and HIV-related viruses that damage the cellular branch of the human immune or neurological system and leave the infected person immunodeficient or neurologically impaired.
(ii) "HIV-related condition" means any medical condition resulting from an HIV infection, including but not limited to seropositivity for HIV.

37.40.305 NURSING FACILITY SERVICES: REIMBURSABLE SERVICES
(1) Nursing facility services include but are not limited to the following or any similar items:
(e) items routinely provided to residents including but not limited to:
(xvi) linens for bed and bathing;
(xxvi) supplies necessary to maintain infection control, including those required for isolation-type services;
(f) items used by individual residents which are reusable and expected to be available, including but not limited to:
(xv) isolation cart;
(G) skin care and hygiene items, including but not limited to bath soap, moisturizing lotion, and disinfecting soaps or specialized cleansing agents when indicated to treat special skin problems or to fight infection;

37.106.2855 INFECTION CONTROL
(1) The assisted living facility must establish and maintain infection control policies and procedures sufficient to provide a safe environment and to prevent the transmission of disease. Such policies and procedures must include, at a minimum, the following requirements:
(a) Any employee contracting a communicable disease that is transmissible to residents through food handling or direct care must not appear at work until the infectious diseases can no longer
be transmitted. The decision to return to work must be made by the administrator or designee, in accordance with the policies and procedures instituted by the facility;
(b) if, after admission to the facility, a resident is suspected of having a communicable disease that would endanger the health and welfare of other residents, the administrator or designee, must contact the resident's practitioner and assure that appropriate safety measures are taken on behalf of that resident and the other residents; and
(c) all staff shall use proper hand washing technique after providing direct care to a resident.
(2) The facility, where applicable, shall comply with applicable statutes and rules regarding the handling and disposal of hazardous waste.
(History: Sec. 50-5-103, 50-5-226 and 50-5-227, MCA; IMP, Sec. 50-5-225, 50-5-226 and 50-5-227, MCA; NEW, 2002 MAR p. 3638, Eff. 12/27/02; AMD, 2004 MAR p. 1146, Eff. 5/7/04.)
37.110.207 FOOD PREPARATION
(1) Sinks used for the preparation of foods:
(a) must be cleaned and sanitized as required by ARM 37.110.215 immediately before beginning the preparation of the food; and
(b) may not be used for hand washing or waste water disposal.
37.110.210 FOOD EMPLOYEES
(1) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, diarrhea illness or acute gastrointestinal illness or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons. Food employees experiencing persistent sneezing, coughing or runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.
(2) Food employees and other authorized persons shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.
(3) Food employees shall clean their hands in a hand washing facility that conforms to the requirements in ARM 37.110.221.
(4) Food employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm running water after any of the following activities:
(a) immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils and unwrapped single-service and single-use articles;
(b) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
(c) when switching between working with raw foods and working with ready-to-eat foods;
(d) after handling soiled equipment or utensils;
(e) after coughing, sneezing, using a handkerchief or disposable tissue;
(f) after using the toilet room;
(g) after eating, drinking or using tobacco;
(h) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
(i) after caring for or handling support animals; or
(j) after engaging in other activities that contaminate the hands.
(5) If used, chemical hand sanitizers must:
(a) have active antimicrobial ingredients that are listed as safe and effective for application to 
human skin as an antiseptic handwash pursuant to the U.S. food and drug administration's 
regulations for over-the-counter health-care antiseptic drug products; and (b) have only 
components that are:
(i) regulated for the intended use as food additives as specified in 21 CFR 178; or 
(ii) generally recognized as safe for the intended use in contact with food within the meaning of 
the federal Food, Drug, and Cosmetic Act, section 201(s); and 
(c) be applied only to hands and arms that are cleaned with a cleaning compound in a hand 
washing facility by thoroughly rubbing together the surfaces of their lathered hands and arms and 
thoroughly rinsing with clean water;
(d) if a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the 
criteria specified in (5)(a) through (c) of this rule, use must be:
(i) followed by thorough hand rinsing in clean water before hand contact with food or by the use 
of gloves; or 
(ii) limited to situations that involve no direct contact with food by the bare hands;
(e) a chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a 
strength equivalent to at least 100mg/L chlorine.
(6) Food employees in a food establishment shall adhere to the following requirements to prevent 
contamination of food:
(a) minimize contact with exposed ready-to-eat food with bare hands by using utensils such as 
deli tissue, spatula, tongs, single-use gloves or dispensing equipment;
(b) minimize contact of bare hands and arms with exposed food that is not in a ready-to-eat form;
(c) use single-use gloves for only one task, such as working with ready-to-eat food or with raw 
animal food; use them for no other purpose; and discard them when they are damaged or soiled 
or when interruptions occur in the food operation;
(d) use clean slash-resistant gloves with ready-to-eat foods that will not be subsequently cooked 
if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface or are 
covered with a smooth, durable, nonabsorbent glove, or single-use glove; (e) use a utensil only 
one to taste food that is to be sold or served.
(7) Food employee practices must conform to the following requirements:
(a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and 
surfaces are cleanable and not rough.
(b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish 
or artificial fingernails when working with exposed food.
(c) While preparing food, food employees may not wear jewelry on their arms and hands except 
a simple wedding band.
(d) Food employees shall wear clean outer clothing. If uniforms are not provided, clean outer 
coverings must be worn over clothing or the employee shall change to clean clothing if their 
clothing is soiled.
(e) Food employees may eat, drink, or use any form of tobacco only in designated areas where 
the contamination of exposed food; clean equipment, utensils and linens; unwrapped single-
service and single-use articles; or other items needing protection cannot occur. However, a food 
employee may drink from a closed beverage container if the container is handled to prevent 
contamination of the food employee's hands, the container; exposed food; clean equipment, 
utensils and linens; and unwrapped single-service and single-use articles.
(f) Food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair. The hair restraints must be designed and worn to effectively keep hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single service and single-use articles.

(i) Subsection (7)(f) does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.

(8) Persons unnecessary to the food establishment operation may not be allowed in the food preparation, food storage, or warewashing areas, except as allowed by the person in charge if steps are taken to ensure that exposed food, clean equipment, utensils and linens; and unwrapped single-service and single-use articles are protected from contamination.

(History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.221 HAND WASHING FACILITIES

(1) Hand washing facilities must be constructed, installed, and maintained to facilitate cleaning.

(2) Customers are prohibited from entering the food preparation, food service, food storage or utensil washing areas to use hand washing facilities.

(3) Hand washing facilities for food employees must be located within the area or areas where food is prepared or served and in utensil washing areas.

(a) The number and location of hand washing facilities in the areas will be determined by the convenience of the hand washing facility to the food employees.

(4) Hand washing facilities located outside and immediately adjacent to toilet rooms may also serve the food preparation, food service or utensil washing areas if convenient.

(5) Service sinks and utensil washing sinks may be used as handwashing facilities if properly located, equipped, maintained, and continuously available for hand washing.

(6) Sinks used for food preparation or curbed cleaning sinks used for mop water disposal may not be used for hand washing.

(7) Each hand washing facility must be provided with warm running water by means of a mixing valve or combination faucet. Any self-dispensing, slow-closing, or metering faucet used must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(8) A supply of hand-cleansing soap or detergent must be available at each hand washing facility.

(9) A supply of disposable towels in a wall-hung or protected container, a continuous towel system that supplies the user with a clean towel, or a hand drying device providing heated air must be conveniently located near each hand washing facility. Common towels are prohibited. When disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facility.

(10) Hand washing facilities, soap dispensers, hand drying devices and all related fixtures must be kept clean and in good repair.


37.110.227 CLEANING PHYSICAL FACILITIES
Cleaning of floors and walls, except emergency cleaning of floors, must be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials must be kept clean. Floors and walls must be cleaned by dustless methods, such as vacuum cleaning, wet cleaning, or the use of dust arresting sweeping compounds with brooms.

In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain must be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of hand washing facilities, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

When service sinks are used as a hand washing facility, such sinks must be located to prevent potential contamination of food or food contact surfaces of equipment and utensils.

Enough potable water that complies with ARM 37.110.217(3) must be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for hand washing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

A convenient hand washing facility must be available for food employee hand washing. This facility must consist of at least, warm running water, soap, and individual paper towels.

Mobile food services requiring a water system must have a potable water system under pressure and must be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing, in accordance with ARM 37.110.217. Additionally:

- The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil, or grease; be kept capped unless being filled; and be provided with a transition connection of a size or type that will prevent its use for any other service;
- All water distribution pipes or tubing must be constructed and installed in accordance with ARM 37.110.219.

Nursing facility services include but are not limited to the following or any similar items:
- Skin care and hygiene items, including but not limited to bath soap, moisturizing lotion, and disinfecting soaps or specialized cleansing agents when indicated to treat special skin problems or to fight infection;

For the purpose of this subchapter:
- "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments, including cloth gloves.

Food must be stored as follows to prevent potential contamination:

- Food must be stored in a clean, dry location where it is not exposed to contamination and is at least 6 inches (15 centimeters) above the floor.
- Food in packages and working containers may be stored
less than 6 inches (15 centimeters) above the floor if it is stored on case lot handling equipment, such as dollies, racks, or pallets. (c) Pressurized beverage containers; food in waterproof containers, such as bottles or cans in cases; and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(d) Food may not be stored in toilet rooms; dressing rooms; garbage rooms; mechanical rooms; under sewer lines that are not shielded to intercept potential drips; under leaking water lines, including leaking automatic fire sprinkler heads; under lines on which water has condensed; under open stairwells; or under other sources of contamination.

(e) Food packages must be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(f) Working containers holding food or food ingredients that are removed from their original packages, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar, must be identified with the common name of the food. The labeling must be on the container or on a nondetachable lid. Those containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.

(g) Packaged food may not be stored in direct contact with water or undrained ice if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the water or ice.

(h) Whole raw fruits or vegetables, cut raw vegetables such as celery or carrot sticks, cut potatoes, and tofu may be immersed in ice or water that is at a safe temperature.

(i) Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

(2) Packaged and unpackaged food must be protected from cross-contamination by:

(a) cleaning and sanitizing equipment and utensils as specified under ARM 37.110.215;

(b) storing food removed from its original container or package in a clean and sanitized covered container. Covers must be impervious and nonabsorbent, except that clean laundered linens or napkins may be used for lining or covering containers of bread or rolls. Quarters or sides of meat or whole and uncut processed meats may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat;

(c) cleaning hermetically sealed containers of food of visible soil before opening;

(d) storing damaged, spoiled, or recalled products being held for credit, redemption, or return in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles;

(e) separating fruits and vegetables, before they are washed as specified under ARM 37.110.207(3) from ready-to-eat food;

(f) separating raw animal foods during storage, preparation, holding, and display from raw ready-to-eat food, including other raw animal food such as fish for sushi or molluscan shellfish; other raw ready-to-eat food, such as vegetables; and cooked ready-to-eat food;

(g) separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry, during storage, preparation, holding, and display by any of the following methods:

(i) using separate equipment for each type;

(ii) arranging raw animal products by cooking temperature, with those products requiring lower cooking temperatures at the top and those products requiring higher cooking temperatures at the bottom;

(iii) arranging each type of food in equipment so that cross-contamination of one type with another is prevented; or
(iv) preparing each type of food at different times or in separate areas.

(3) Enough conveniently located refrigeration facilities or effectively insulated facilities must be provided to assure the maintenance of potentially hazardous food at 41°F (5°C) during storage except as specified in ARM 37.110.203(61). Each refrigerated facility storing potentially hazardous food must be provided with a numerically scaled indicating temperature measuring device, accurate to ±3°F (1.5°C), located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording temperature measuring devices, accurate to ±3°F (1.5°C) may be used in lieu of indicating temperature measuring devices.

(4) Frozen food must be kept frozen.

(5) Enough conveniently located hot food storage facilities must be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food must be provided with a numerically scaled indicating temperature measuring device, accurate to ±3°F (1.5°C) located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording temperature measuring devices, accurate to ±3°F (1.5°C) may be used in lieu of indicating thermometers. Where it is impractical to install temperature measuring devices on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product temperature measuring device must be available and used to check internal food temperature.

(6) The internal temperature throughout potentially hazardous foods requiring hot storage must be 135°F (57.2°C) or above except during necessary periods of preparation. Potentially hazardous food to be transported must be held at a temperature of 135°F (57.2°C) or above unless maintained in accordance with (3) and (4) of this rule.

(7) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary within its statutory authority to protect the public health.

(8) Soiled clothes and linens must be stored in non-absorbent containers or washable laundry bags until removed for laundering.

(9) Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment must be maintained and stored in a way that does not contaminate food, utensils,
equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.