

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

CHAPTER 106

HEALTH CARE FACILITIES

Subchapter 6

Minimum Standards for Nursing Facilities

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Minimum Standards for Nursing Facilities

**37.106.601 MINIMUM STANDARDS FOR A SKILLED AND SKILLED/  
INTERMEDIATE CARE FACILITY: GENERAL REQUIREMENTS**

(1) A skilled nursing care facility shall comply with the Conditions of Participation for Skilled Nursing Facilities as set forth in 42 CFR 405, Subpart K. An intermediate care facility shall comply with the requirements set forth in 42 CFR 442, Subparts E and F. A copy of the cited rules is available at the Department of Public Health and Human Services, Quality Assurance Division, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.

(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.)

Rules 02 through 04 reserved

**37.106.605 MINIMUM STANDARDS FOR A SKILLED NURSING CARE  
FACILITY FOR EACH 24 HOUR PERIOD: STAFFING**

(1) The following table indicates an absolute minimum staffing pattern below which an acceptable level of care and safety cannot be maintained. Even with this staffing it would be difficult. Therefore, it is recommended that the quantity and quality of staffing should be determined by the administrator in consultation with his director of nursing. This decision should be based on the nursing needs of the patients and should reflect the current concepts of restorative and geriatric care.

(History: Sec. 50-5-103 and 50-5-404, MCA; IMP, Sec. 50-5-103, 50-5-204 and 50-5-404, MCA; Eff. 12/31/72; TRANS, from DHES, 2002 MAR p. 185.)

**INSERT TABLE FROM 37.106.605, FROM PAGE 115, STAFFING GRID**

**37.106.606 MINIMUM STANDARDS FOR A SKILLED AND SKILLED/  
INTERMEDIATE CARE FACILITY: DRUG SERVICES**

(1) Medication shall be released to a patient at discharge only on the written authorization of his licensed physician.

(2) Self-administration of medication by a patient is not permitted except on order of his licensed physician.

(3) Any deviation from the prescribed drug dosage, route or frequency of administration and unexpected drug reactions shall be reported immediately to the patient's licensed physician with an entry made on the patient's medical record and on an incident report.

(4) A current medication reference book must be provided at each nurses station.

(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.)

Rules 07 through 39 reserved

#### 37.106.640 MINIMUM STANDARDS FOR AN INFIRMARY

(1) The infirmary shall provide patients with licensed physician care.

(2) The infirmary shall provide skilled nursing services. A licensed registered nurse shall serve as charge nurse on the day shift; and a licensed registered or practical nurse shall serve as charge nurse on evening and night shifts.

(3) Nurse staffing schedules must be maintained on file in the infirmary for the preceding six months.

(4) The infirmary shall maintain a medical record for each patient which includes, but is not limited to the following information:

(a) identification data;

(b) chief complaint;

(c) present illness;

(d) medical history;

(e) physical examination;

(f) laboratory and x-ray reports;

(g) treatment administered;

(h) tissue report;

(i) progress reports;

(j) discharge summary.

(5) If a modified diet is ordered by a physician for a patient, facilities must be available for its preparation and service.

(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.)

Rules 41 through 44 reserved

#### 37.106.645 MINIMUM STANDARDS FOR AN INTERMEDIATE DEVELOPMENTAL DISABILITY CARE FACILITY

(1) An intermediate developmental disability care facility shall comply with the conditions of participation for intermediate care facilities for the mentally retarded as set forth in 42 CFR 442, Subpart G.

(2) The department hereby adopts and incorporates by reference 42 CFR 442, Subpart G, which is a federal agency rule setting forth administrative, personnel, programmatic, and health standards that must be met by any intermediate care facility for the mentally retarded in order to be medicaid eligible. A copy of 42 CFR 442, Subpart G, may be

obtained from the Department of Public Health and Human Services, Quality Assurance Division, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953. (History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103, 50-5-201 and 50-5-204, MCA; NEW, 1984 MAR p. 973, Eff. 6/29/84; TRANS, from DHES, 2002 MAR p. 185.)

Rules 46 through 49 reserved

#### 37.106.650 MINIMUM STANDARDS FOR A KIDNEY TREATMENT CENTER

(1) A kidney treatment center shall comply with the requirements set forth in 42 CFR 405, Subpart U.

(2) The department hereby adopts and incorporates by reference 42 CFR 405, Subpart U, which sets standards that suppliers of end-stage renal disease services must meet in order to be certified for reimbursement from the federal medicare or medicaid programs. A copy of 42 CFR 405, Subpart U, is available from the Department of Public Health and Human Services, Quality Assurance Division, 2401 Colonial Drive, P.O. Box 202953, Helena, MT 59620-2953.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103, MCA; NEW, 1980 MAR p. 1587, Eff. 6/13/80; AMD, 1994 MAR p. 3192, Eff. 12/23/94; TRANS, from DHES, 2002 MAR p. 185.)