

ASSISTED LIVING MCA'S SURVEY TOOL

FACILITY:	ADDRESS:	DATE/S:
ADMINISTRATOR:	TELEPHONE #:	TASK ORDER #:
SURVEYOR/S:	E-MAIL/WEB:	LICENSE #:

MCA	GUIDELINES	YES	NO	COMMENTS
<p>50-5-225. Assisted Living Facilities – services to residents – employee background checks (1) An assisted living facility shall, at a minimum, provide or make provisions for:</p> <ul style="list-style-type: none"> (a) personal services, such as laundry, housekeeping, food service, and local transportation; (b) assistance with activities of daily living, as provided for in the facility admission agreement and that do not require the use of a licensed health care professional or a licensed practical nurse; (c) recreational activities; (d) assistance with self-medication; (e) 24-hour onsite supervision by staff; and (f) assistance in arranging health-related services, such as medical appointments and appointments related to hearing aids, glasses, or dentures. 				
<p>(2) An assisted living facility may provide, make provisions for, or allow a resident to obtain third-party provider services for:</p> <ul style="list-style-type: none"> (a) the administration of medications consistent with applicable laws and regulations; and (b) skilled nursing care or other skilled services related to temporary, short-term, acute illnesses, which may not exceed 30 consecutive days for one episode or more than a total of 120 days in 1 year. 				
<p>(3) An assisted living facility shall conduct a background check on all individuals who have accepted employment.</p>				

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The background check may be a name-based background check.				
(4) An assisted living facility may not employ a person who: (a) has been found guilty in a court of law of an offense involving abuse, neglect, exploitation, mistreatment, or misappropriation of property; (b) has been subject to disciplinary action by a state professional licensing board because of a finding of abuse, neglect, exploitation, mistreatment of residents, or misappropriation of resident property; or (c) has had a finding entered into the state nurse aide registry concerning abuse, neglect, exploitation, mistreatment of residents, or misappropriation of resident property.				
(5) An assisted living facility may provisionally employ an individual pending the results of a background check.				
50-5-226. Placement in assisted living facilities. (1) An assisted living facility may provide personal-care services to a resident who is 18 years of age or older and in need of the personal care for which the facility is licensed under 50-5-227				
(2) An assisted living facility licensed as a category A facility under 50-5-227 may not admit or retain a category A resident unless each of the following conditions is met: (a) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12. (b) The resident may not have a stage 3 or stage 4 pressure ulcer. (c) The resident may not have a gastrostomy or jejunostomy tube. (d) The resident may not require skilled nursing care or				

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<p>other skilled services on a continued basis except for the administration of medications consistent with applicable laws and regulations.</p> <p>(e) The resident may not be a danger to self or others.</p> <p>(f) The resident must be able to accomplish activities of daily living with supervision and assistance based on the following:</p> <p>(i) the resident may not be consistently and totally dependent in four or more activities of daily living as a result of a cognitive or physical impairment; and</p> <p>(ii) the resident may not have a severe cognitive impairment that renders the resident incapable of expressing needs or making basic care decisions</p>				
<p>(3) An assisted living facility licensed as a category B facility under 50-5-227 may not admit or retain a category B resident unless each of the following conditions is met</p> <p>(a) The resident may require skilled nursing care or other services for more than 30 days for an incident, for more than 120 days a year that may be provided or arranged for by either the facility or the resident, and as provided for in the facility agreement.</p> <p>(b) The resident may be consistently and totally dependent in more than four activities of daily living.</p> <p>(c) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12.</p> <p>(d) The resident may not be a danger to self or others.</p> <p>(e) The resident must have a practitioner's written order for admission as a category B resident and written orders for care.</p> <p>(f) The resident must have a signed health care assessment, renewed on a quarterly basis by a licensed health care professional who:</p> <p>(i) actually visited the facility within the calendar quarter covered by the assessment;</p> <p>(ii) has certified that the particular needs of the resident can be adequately met in the facility; and</p>				

ASSISTED LIVING MCA'S SURVEY TOOL

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<p>(iii) has certified that there has been no significant change in health care status that would require another level of care.</p>				
<p>(4) An assisted living facility licensed as a category C facility under <u>50-5-227</u> may not admit or retain a category C resident unless each of the following conditions is met:</p> <p>(a) The resident has a severe cognitive impairment that renders the resident incapable of expressing needs or of making basic care decisions.</p> <p>(b) The resident may be at risk for leaving the facility without regard for personal safety.</p> <p>(c) Except as provided in subsection (4)(b), the resident may not be a danger to self or others.</p> <p>(d) The resident may not require physical or chemical restraint or confinement in locked quarters, but may consent to the use of safety devices pursuant to Title 50, chapter 5, part 12.</p>				
<p>(5) For category B and C residents, the assisted living facility shall specify services that it will provide in the facility admission criteria.</p> <p>(a) An assisted living facility licensed as a category D facility under 50-5-227 may not admit or retain a category D resident unless each of the conditions in subsections (5)(b) and (5)(c) is met or a court has ordered diversion as provided in subsection (5)(d).</p> <p>(b) The resident must be dependent on assistance for two or more activities of daily living and may require skilled nursing care or other services that may be provided or arranged for by either the facility or the resident or provided for in the facility agreement.</p> <p>(c) The resident must be assessed by a practitioner or adjudged by a court as having been or potentially being a danger to self or others. The practitioner shall submit both a health care assessment, renewed on a monthly basis, and a written order for care that:</p> <p>(i) provides information on behavioral patterns under which the category D resident may pose a threat to others and may need to be kept separate from other category D</p>				

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<p>residents or residents in other categories of assisted care;</p> <p>(ii) lists the conditions under which the category D resident can be reasonably, temporarily restrained, using protective restraints, medications, or confinement to avoid harm to the resident or others;</p> <p>(iii) includes a reason why a category D assisted living facility is more appropriate than other options for care and provides an assessment of the resident's needs and plan for care; and</p> <p>(iv) indicates the timeframe over which the resident's health care status has remained the same or changed.</p> <p>(d) A court may order a diversion from an involuntary commitment to Montana state hospital or from the Montana mental health nursing care center as provided in 53-21-199 or 53-21-127. A diversion ordered pursuant to 53-21-199 may be an involuntary commitment but must be treated as provided in 53-21-181.</p>				
<p>(6) The department shall develop standardized forms and education and training materials to provide to the assisted living facilities and to the licensed health care professionals who are responsible for the signed statements provided for in subsection (3)(f). The use of the standardized forms is voluntary</p>	<p>See Web Page: https://dphhs.mt.gov <SERVICES> <APPLICATION & FORMS> <ASSISTED LIVING></p>			
<p>(7) The department shall develop standardized forms and education and training materials to provide to the assisted living facilities and to the licensed health care professionals who are responsible for the signed statements provided for in subsection (3)(f). The use of the standardized forms is voluntary.</p>				
<p>(8) The department shall provide by rule:</p> <p>(a) an application or placement procedure informing a prospective resident and, if applicable, the resident's practitioner of:</p> <p>(i) physical and mental standards for residents of assisted living facilities;</p> <p>(ii) requirements for placement in a facility with a</p>				

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<p>higher standard of care if a resident's condition deteriorates; and</p> <p>(iii) the services offered by the facility and services that a resident may receive from third-party providers while the resident lives at the facility;</p> <p>(b) standards to be used by a facility and, if appropriate, by a screening agency to screen residents and prospective residents to prevent residence by individuals referred to in subsections (3) through (5). An individual subject to 46-14-301 is not eligible to be placed in a category D assisted living facility.</p> <p>(c) a method by which the results of any screening decision made pursuant to rules established under subsection (8)(b) may be appealed by the facility operator or by or on behalf of a resident or prospective resident;</p> <p>(d) standards for operating a category A assisted living facility, including standards for the physical, structural, environmental, sanitary, infection control, dietary, social, staffing, and recordkeeping components of a facility and the storage and administration of over-the-counter and prescription medications;</p> <p>(e) standards for operating a category B assisted living facility, which must include the standards for a category A assisted living facility and additional standards for assessment of residents, care planning, qualifications and training of staff, prevention and care of pressure sores, and incontinence care; and</p> <p>(f) standards for operating a category C and a category D assisted living facility, which must include the standards for a category B assisted living facility and additional standards for resident assessment, the provision of specialty care to residents with cognitive impairments, and additional qualifications of and training for the administrator and direct-care staff. The standards for a category D assisted living facility must also include specific safety and restraint training.</p>				
<p>50-5-227. Licensing assisted living facilities. (1) The department shall by rule adopt standards for licensing and</p>				

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operation of assisted living facilities to implement the provisions of <u>50-5-225</u> and <u>50-5-226</u>				
(2) The department may deny, suspend, or revoke the license of an assisted living facility if the department finds a demonstrated pattern of noncompliance with the employee background check requirements of <u>50-5-225</u> .				
3) The following licensing categories must be used by the department in adopting rules under subsection (1): (a) category A facility serving residents requiring the level of care as provided for in <u>50-5-226(2)</u> ; (b) category B facility providing skilled nursing care or other skilled services to five or fewer residents who meet the requirements stated in <u>50-5-226(3)</u> ; (c) category C facility providing services to residents with cognitive impairments requiring the level of care stated in <u>50-5-226(4)</u> ; or (d) category D facility providing services to residents with mental disorders who may be a temporary harm to themselves or others and who require the level of care stated in <u>50-5-226(5)</u> .				
(4) (a) A single facility meeting the applicable requirements for a category A facility may additionally be licensed to provide category B or category C services with the approval of the department. (b) If a single facility meeting the applicable requirements as provided in subsection (4)(a) further seeks to be licensed as a category D facility, the facility shall provide documentation that indicates the facility can keep all residents safe.				
(5) The department may by rule establish license fees, inspection fees, and fees for patient screening. Fees must be reasonably related to service costs				
50-5-228. Limited licensing. The department may grant a license that is provisional upon the correction of noncompliance with provisions <u>50-5-225</u> through <u>50-5-228</u> or rules adopted pursuant to <u>50-5-225</u> through <u>50-5-228</u> . A provisional license may be granted only for a				

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specific period of time and may not be renewed.				