

Montana Code Annotated 2023

Title 52 Family Services

Chapter 4 Services to the Disabled

Part 4

52-4-201 Purpose

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52-4-201 Purpose The legislature, in recognition of the needs of persons with severe disabilities and of the desirability of meeting those needs on a community level, establishes in **52-4-201** through **52-4-205** authority for the state to license community homes for persons with severe disabilities. Licensed community homes for persons with severe disabilities are for the purpose of providing residential settings for persons with severe disabilities receiving services funded through state-administered programs who otherwise are unable to live independently and who are determined to be capable of residing in noninstitutional settings.

History: En. Sec. 8, Ch. 330, L. 1989; Sec. 53-19-201, MCA 1989; redes. 52-4-201 by Code Commissioner, 1991.

52-4-202 Definitions As used in **52-4-201** through **52-4-205**, the following definitions apply:

(1) "Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers.

(2) "Department" means the department of public health and human services provided for in **2-15-2201**.

(3) "Disability" means a permanent physical or mental condition recognized as a disability by Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.), as may be amended.

(4) "Severe disability" means a permanent disability that substantially limits major life activity, such as walking, self-care, seeing, hearing, speaking, learning, reasoning, judgment, or memory, and that can be diagnosed by a physician. The term includes the condition of a person with severe disabilities as defined in 53-19-102.

History: En. Sec. 9, Ch. 330, L. 1989; Sec. 53-19-202, MCA 1989; redes. 52-4-202 by Code Commissioner, 1991; amd. Sec. 368, Ch. 546, L. 1995.

52-4-203 Licensing (1) A community home for persons with severe disabilities must be licensed annually by the department.

(2) The department may also issue temporary and provisional licenses.

History: En. Sec. 10, Ch. 330, L. 1989; Sec. 53-19-203, MCA 1989; redes. 52-4-203 by Code Commissioner, 1991.

52-4-204 Health and Safety Standards (1) A community home for persons with severe disabilities must be certified annually for fire and life safety by the department of justice. The department of justice shall notify the department whenever a community home has been certified or refused certification.

(2) (a) Local health officers shall inspect a community home for persons with severe disabilities to ensure compliance with health and safety standards. If for any reason the local authority cannot

complete the inspection in a timely manner, the department of public health and human services may make the inspection to ensure compliance with the standards.

(b) The inspecting health officer shall notify the department whether a community home is or is not in compliance with applicable standards.

(c) A reasonable fee may be charged by health authorities conducting compliance inspections.

History: En. Sec. 11, Ch. 330, L. 1989; Sec. 53-19-204, MCA 1989; redes. 52-4-204 by Code Commissioner, 1991; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 155, Ch. 418, L. 1995; amd. Sec. 369, Ch. 546, L. 1995.

52-4-205 Rulemaking (1) The department shall, for the purpose of licensing, adopt rules to govern administration, operation, and health and safety requirements for community homes for persons with severe disabilities in order to protect rights of residents. The department shall provide for temporary and provisional licensing.

(2) The state fire prevention and investigation section of the department of justice shall provide advice and recommendations to the department concerning licensing requirements for health and safety.

History: En. Sec. 12, Ch. 330, L. 1989; Sec. 53-19-205, MCA 1989; redes. 52-4-205 by Code Commissioner, 1991; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 156, Ch. 418, L. 1995; amd. Sec. 370, Ch. 546, L. 1995; amd. Sec. 39, Ch. 449, L. 2007.