EXHIBIT 21
DATE 2/14/2013
HB 236

BEFORE THE BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.181.301 definitions and 24.181.2101 renewals	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On December 17, 2012, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Private Alternative Adolescent Residential or Outdoor Programs (board) no later than 5:00 p.m., on December 12, 2012, to advise us of the nature of the accommodation that you need. Please contact Cyndi Breen, Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdpap@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.181.301 DEFINITIONS (1) "Adjunct ministry" means a charitable facility that meets all of the following criteria:

(a) is founded directly by the existing church or its officers and wholly owned and operated by the existing church, which is incorporated by the state;

(b) expresses and communicates, as an integral part of the adjunct ministry, the mission of the existing church;

(c) funding for is derived solely from the budget of the existing church;

(d) is accredited by the National Independent Private Schools Association (NIPSA), Council on Accreditation (COA), Commission on Accreditation of Rehabilitation Facilities (CARF), or Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

(e) complies with the standards established by other governmental entities, including building codes for those structures used as a residence for program participants, health and sanitation requirements, and other standards adopted by the board by rules; and

(f) informs the public that the adjunct ministry is exempt from the licensure requirements in any advertisement.

(1) remains the same, but is renumbered (2).

~~(2)~~ (3) "Average daily census" means the arithmetical average of the number of participants served daily by the program, calculated over a calendar year. This number is calculated by adding the total number of service days~~,~~ as defined in (2), provided by the program during the last calendar year, and divided by 365 days.

(3) through (6) remain the same, but are renumbered (4) through (7).

~~(7)~~ (8) "Direct care staff" means program personnel who directly participate in the care, supervision, and guidance of program ~~participant~~ participants in a program.

~~(8)~~ (9) "Number of service days" means any portion of a ~~24~~ 24-hour period in which service is provided to one participant, multiplied by the number of actual participants on that day.

(9) and (10) remain the same, but are renumbered (10) and (11).

~~(11)~~ (12) "Significant ~~Change~~ change to ~~Plan~~ plan of ~~Operation~~ operation" means a major addition or deletion of advertised services or location or change of services offered by the program.

AUTH: 37-1-131, 37-48-103, 37-48-113, MCA
IMP: 37-1-131, 37-48-102, 37-48-103, MCA

REASON: After considering the "adjunct ministry" status of a few programs as justification for not requiring licensure, the board determined it is reasonably necessary to define the term to provide guidance on the exemption that exists in statute. Section 37-48-102(6), MCA, defines the private alternative adolescent residential or outdoor programs that must be licensed by the board. The statute also provides six types of programs, schools, or camps that are exempt from the licensure requirement, including organizations or schools that are adjunct ministries of a church incorporated in Montana. The board is proposing to define "adjunct ministry" at this time to clearly set forth the board's intent regarding the parameters of the licensure exemption.

Authority and implementation cites are amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority. Additional nonsubstantive changes are necessary to comply with the formatting requirements of the Secretary of State.

24.181.2101 RENEWALS (1) through (7) remain the same.

(8) The board will conduct random audits of up to 25 percent of renewed licensees to determine if licensees comply with certification requirements for first aid and cardiopulmonary resuscitation.

AUTH: 37-1-131, 37-48-103, 37-48-113, MCA
IMP: 37-1-131, 37-1-134, 37-1-141, 37-48-103, 37-48-113, MCA

REASON: The board is amending this rule to establish a random audit procedure as allowed in 37-1-131, MCA. Licensed programs are required to have staff certified in first aid and CPR to ensure the health and safety of the program participants. Having completed several renewal cycles and noting the potential for program staff turnover, the board determined that annual audits following renewal are necessary

to ensure that programs are remaining compliant with these certification requirements.

Authority and implementation cites are amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdpap@mt.gov, and must be received no later than 5:00 p.m., December 28, 2012.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's web site on the World Wide Web at www.paarp.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdpap@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Cyndi Breen, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PRIVATE ALTERNATIVE
ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
DR. JOHN SANTA, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 13, 2012