

Provisional Draft

For review by the Children, Families, Health, and Human
Services Interim Committee (CFHHS)
May 5, 2026

Interim 2025-2026

AO 1.1

**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ADMINISTRATIVE RULES RELATED TO CHILD AND ADOLESCENT DAY TREATMENT PROGRAMS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1..** The Department of Public Health and Human Services shall amend ARM 37.106.1936 to read:

"(1) In addition to the requirements established in this subchapter, each mental health center providing a child and adolescent day treatment program shall comply with the requirements established in this rule.

(2) The Child and Adolescent Day Treatment program must be site based and occur in a location separate from the child and adolescent's regular classroom. Appropriate, supplemental day treatment services may be delivered off site. The program shall:

(a) operate at least five days per week for at least three hours per day, unless school holidays preclude day treatment activities. Preschool day treatment programs shall operate at least three days a week, three hours a day, unless school holidays preclude day treatment activities;

(b) employ or contract with a program supervisor who is knowledgeable about the service and support needs of children and adolescents with serious emotional disturbances. The program therapist or program supervisor must be site based;

(c) establish admission criteria which assess the child or adolescent's needs and the appropriateness of the services to meet those needs. Students still in school, 18 years of age or older, remain eligible for the program;

(d) provide mental health services according to the individualized treatment plan which may include individual therapy, family and group therapy, social skills training, life skills training, pre-vocational training, therapeutic recreation services and ensure access to emergency services;

(e) coordinate its services with educational services provided through full collaboration with a school district recognized by the office of public instruction;

(f) provide referral and aftercare coordination with inpatient facilities, residential treatment programs, or other appropriate out-of-home placement programs;

(g) establish policies and procedures regarding the use of time-out and seclusion. Time-out and seclusion may not be used with a locked door. Mechanical restraints may not be used. If time-out is used, intermittent to continuous staff observation is required, as clinically indicated. If seclusion is used, continuous staff observation is required. Written permission from the parent or legal guardian must be obtained for the use of non-aversive and aversive interventions and must be placed in the client's clinical record. The clinical record must include signed orders by a licensed mental health professional for use of seclusion, a detailed description of the circumstances warranting such action, and the date, time and duration of the seclusion;

(h) require and ensure that the program supervisor and all staff shall each have a minimum of six contact hours of annual training relating to child and adolescent mental illnesses and treatment; and

(i) maintain progress notes for each client. The progress notes must be entered into the client's clinical record at least every 30 days and upon the occurrence of any significant change in the client's condition.

(3) The day treatment staff shall attend all child study team (CST) meetings and individual education planning meetings when clinically indicated and permission has been granted by the parent or legal guardian or child, when age appropriate. If the client requires an individualized education program (IEP), a copy of the IEP must be included in the client's treatment plan unless the parent or legal guardian or child, when age appropriate, refuses to authorize release to the mental health center.

(4) The program supervisor and day treatment program staff must be trained in the therapeutic deescalation of crisis situations to ensure the protection and safety of the clients and staff. The training must include the use of physical and non-physical methods of managing children and adolescents and must be updated, at least annually, to ensure that necessary skills are maintained.

(5) (a) Each full-time program therapist or in-training mental health professional in the program shall carry an active caseload not to exceed 12 day treatment clients. The therapist or mental health professional who carries the caseload must also provide the therapy and must be on site during the entire-majority of day treatment hours of operation unless the therapist is attending a meeting offsite that pertains to one of the day

1 treatment client's treatment.

2 (b) A program may hire part-time program therapists, but a part-time therapist may not be used in place
3 of a full-time therapist. Each part-time therapist must be on site for at least 20 hours per week, provide therapy,
4 and be involved in the development of treatment plans, interventions, and treatment team meetings. A part-time
5 therapist may carry a caseload of up to six day treatment clients.

6 (c) A program may hire in-training mental health professionals. Each in-training mental health
7 professional may conduct duties within the scope of the trainee's license, An in-training mental health
8 professional may carry a caseload of up to six day treatment clients.

9 (d) The program supervisor may carry a caseload of up to six day treatment clients.

10 (6) There must be at least one full-time equivalent (FTE) clinical or mental health staff member for
11 every six clients in the program. Support staff means an adult, under the supervision of the program supervisor
12 or therapist, with experience in working with children and adolescents with severe emotional disturbances.

13 (a) For the purpose of this ratio, the number of participants in the program must be based on the
14 average daily attendance. This ratio includes the ~~site-based site-based~~ therapist or program supervisor, if the
15 therapist or supervisor spends at least half of the time with the class and is readily available at other times
16 when the need arises.

17 (b) The program therapist's office must be in close proximity to the day treatment classroom to provide
18 timely interventions to clients. ~~Mental health staff must not be shared with other programs.~~

19 (c) ~~Either the A~~ mental health support staff member, ~~the a full-time~~ therapist, a part-time therapist,
20 or the program supervisor must be in the classroom at all times during operation of the program.

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22 NEW SECTION. Section 2. Effective date. [This act] is effective June 15, 2027.

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