



ADMINISTRATIVE RULES OF MONTANA

20.9.631 INFLAMMATORY AGENT

- (1) Each facility which utilizes inflammatory agents must have a written procedure which includes:
 - (a) inflammatory agents may only be permitted when a lesser degree of force is not effective to prevent serious injury to youth or staff, or to ensure the safety and security of the facility;
 - (b) inflammatory agents may be used only by employees specifically trained by a certified oleoresin capsicum trainer in its use and effects upon youth; and
 - (c) inflammatory agents may not be used for punishment, for the convenience of staff, or as a substitute for programming.
- (2) The following procedures and conditions must be observed whenever the use of inflammatory agents on a youth is implemented:
 - (a) authorization for the use of inflammatory agents must be provided by the facility director or designee;
 - (b) youth subjected to inflammatory agents who suffer from burning to the eyes, nose, mouth and other exposed skin areas must be removed from the contaminated environment as soon as possible;
 - (c) youth who have been subjected to inflammatory agents must be allowed to shower and change clothes once they are under staff control;
 - (d) youth or other individuals exposed to an inflammatory agent must be examined by a health care employee as soon as possible. If there are any persistent symptoms, the youth must be monitored until no further effects or symptoms remain; and
 - (e) cells and other areas exposed to an inflammatory agent must be decontaminated pursuant to accepted decontamination procedures.
- (3) Policy must contain the manner of response to cross contamination and evacuation procedures for uninvolved youth.
- (4) Whenever inflammatory agents are used, an incident report must be entered in the youth's case record, and a copy must be sent to the licensing specialist within 24 hours of the incident excluding weekends and legal holidays. The information contained in the incident report must include but need not be limited to the following:
 - (a) the specific behavior that necessitated the use of an inflammatory agent;
 - (b) alternative interventions that were unsuccessful in controlling the youth's behavior;
 - (c) authorization by the director or designee;

- (d) the time and date that the agent was used; and
 - (e) decontamination procedures followed.
- (5) The youth's probation officer or referring agency must be notified whenever an inflammatory agent is used.
- (6) Protective devices must be available for facility staff in order to function in a contaminated area.
- (7) A log recording all incidents where an inflammatory agent was used must be maintained by the facility. Information contained in the log must include but need not be limited to the following:
- (a) the youth's name;
 - (b) the date and time used;
 - (c) staff who used the inflammatory agent; and
 - (d) the name of the director or designee who authorized the use of an inflammatory agent.
- (8) Inflammatory agents must be stored and maintained in a locked area with access restricted to the director or designee.

Authorizing statute(s): 41-5-1802, MCA

Implementing statute(s): 41-5-1802, MCA

History: NEW, 1999 MAR p. 121, Eff. 1/15/99; AMD, 2005 MAR p. 2665, Eff. 12/23/05.