

MUI / UI TRAINING 2020

Health, Safety, and Well-Being is our priority!!!!

Ohio

Department of
Developmental
Disabilities



GREENE COUNTY BOARD
OF DEVELOPMENTAL DISABILITIES

GCBDD

*A Lifetime of Dignity
and Opportunity*

Purpose of the MUI Rule

O.A.C. 5123-17-02

- The MUI Rule *establishes the requirements for addressing major unusual incidents and unusual incidents and implements a continuous quality improvement process in order to prevent or reduce the risk of harm to individuals.*

Unusual Incident Requirements

"Unusual incident" means an event or occurrence involving an individual that is not consistent with routine operations, policies and procedures, or the individual's care or service plan, but is not a major unusual incident."

Unusual Incident Examples

- Dental injuries
- Falls
- Medication error
- Peer to peer incident
- ER or Urgent Care visits
- Injuries that are not "significant"
- Rights code violation
- Overnight relocation due to fire, natural disaster, or mechanical failure
- Program Implementation Incidents

Program Implementation Incidents

An unusual incident involving the failure to carry out a person-centered plan when such failure causes minimal risk or no risk

Examples:

- Failure to provide supervision for short periods of time
- Automobile accidents with no injury/harm
- Self-reported incidents with minimal risk



MAJOR UNUSUAL INCIDENT'S (MUI's)

The alleged, suspected, or actual occurrence of an incident described in this rule, paragraph (C)(16)(a, b, c), when there is reason to believe the incident occurred.

There are three categories of major unusual incidents that correspond to three administrative investigation procedures delineated in appendix A, appendix B, and appendix C to this rule.



Category A MUI Classification

Accidental or Suspicious Death

Exploitation

Failure To Report

Misappropriation

Neglect

Physical Abuse

Prohibited Sexual Relations

Rights Code Violation

Sexual Abuse

Verbal Abuse

Category A

- Require the County Board to be notified within 4 hours of the incident (excluding Rights Code Violation and Failure to Report)
- Law enforcement is to be notified of the incident if criminal act occurred (Mandated Reporter) immediately
- Ensure health and safety of individual by immediate action taken (calling police, removing individual from abusive situation, medical attention)
- Incident report to be submitted to the County Board by 3pm the following working day
- Finding of Substantiated, Unsubstantiated – Insufficient Evidence, or Unsubstantiated – Unfounded
- Named Primary Person of Interest (PPI) or Systems Issue
- MUI is filed regardless of location of incident or under the care of a provider

Accidental / Suspicious Death

Accidental or suspicious death means the death of an individual resulting from an accident or suspicious circumstances.



Exploitation

Unlawful or improper act of using an individual(s) resources for personal benefit, profit, or gain

Failure To Report

A person who is required to report an incident that has reason to believe that an individual has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse, misappropriation, or exploitation that results in a risk to health and welfare or neglect of the individual.

Misappropriation

Depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited in Ohio Revised Code 2911 (robbery, burglary, trespass, and safecracking) and 2913 (theft, fraud, identity theft)

- Value of items does not matter
- Span of time (even if replaced) does not matter

Neglect

When there is a duty to do so, failure to provide an individual with medical care, personal care, or other support that consequently results in serious injury or places an individual or another person at risk of serious injury.

- Serious Injury: an injury that results in treatment by a physician, physician's assistant, or nurse practitioner
- Two types of neglect: treatment and supervision
- Risk of harm should be outlined in ISP

Physical Abuse

The use of physical force that can reasonably be expected to result in physical harm or serious physical harm. Such force may include hitting, slapping, pushing, or throwing objects at an individual.

Prohibited Sexual Relations

A developmental disabilities employee engaging in consensual sexual conduct or having consensual sexual contact with an individual who is not the employee's spouse, and from whom the developmental disabilities employee was employed or under contract to provide care or supervise the provision of care at the time of the incident.

Rights Code Violation

Any violation of the rights enumerated in section 5123.62 of the Revised Code that creates a likely risk of harm to the health or welfare of an individual.

Rights restrictions in general would be investigated as a UI, unless they created a risk to health and welfare.

Sexual Abuse

Unlawful sexual conduct, sexual contact, or the commission of public indecency, importuning (solicitation), and voyeurism involving an individual

Conduct: Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation including sexual assault, sexual harassment, sexual exploitation, or sexual intimidation

Contact: The touching of an individual's intimate parts, or the intentional touching of the clothing covering the immediate area of the individual's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

Verbal Abuse

The use of words, gestures, or other communicative means to threaten, coerce, intimidate, harass or humiliate an individual.

What was the intent and what was the individual's reaction?



Category B Classifications

Attempted Suicide
Death other than Accidental or Suspicious
Medical Emergency
Missing Individual
Peer to Peer Act
Significant Injury


Category B

- Medical Emergency and Significant Injury – only filed when individual is with a provider at the time of the incident
- All others filed regardless of location or provider at the time of the incident
- No primary person of interest
- No substantiation or finding
- Written report to be sent to the County Board by 3pm the following working day

Attempted Suicide

A physical attempt by an individual that results in emergency room treatment, in-patient observation, or hospital admission.

- Verbal threats of suicide should be treated as an unusual incident and will not be filed as an MUI unless a physical attempt of suicide was made by the individual



Non-Accidental/Non-Suspicious Death

The death of an individual by natural cause without suspicious circumstances

Medical Emergency

An incident where emergency medical intervention is required to save an individual's life.

- Heimlich Maneuver
- Back blows
- CPR
- Epi Pen
- AED

Missing Individual

An incident that is not considered neglect and an individual's whereabouts, after immediate measures taken, are unknown and the individual is believed to be at or pose an imminent risk of harm to self or others.

An incident when an individual's whereabouts are unknown for longer than the period of time specified in the individual service plan that does not result in imminent risk of harm to self or others shall be investigated as an unusual incident.

Peer to Peer Acts

5 different subcategories of Peer to Peer Acts:

- Physical
- Verbal
- Exploitation
- Theft
- Sexual

Peer to Peer: Physical Act

A physical act that: (only 1 of the following need apply to the incident)

- a. Results in examination or treatment by a physician, physician's assistant, or nurse practitioner
- b. Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion, or biting which causes breaking of the skin
- c. Results in an individual being arrested, incarcerated, or the subject of criminal charges

Peer to Peer: Verbal Act

The use of words, gestures, or other communicative means to purposefully threaten, coerce, or intimidate the another individual when there is an ability and an opportunity to carry out the threat.

Peer to Peer: Exploitation

An act which means the unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.

Peer to Peer: Theft

An act which means intentionally depriving another individual of real or personal property valued at *twenty dollars or more or property of significant personal value* to the individual.



Peer to Peer: Sexual

Sexual conduct and or contact for the purposes of sexual gratification without the consent of the other individual.

Significant Injury

An injury of known or unknown cause that is not considered abuse or neglect and that results in a concussion, broken bone(s), dislocation, second or third degree burns or that requires immobilization, casting, or five or more sutures.



Category C Classifications

Law Enforcement

Unanticipated Hospitalization

Unapproved Behavioral Support

Category C

- Written report must be sent to the County Board by 3pm the following working day
- Unanticipated Hospitalization and Unapproved Behavioral Support is filed only if the individual was being served by a provider at the time of the incident
- Law Enforcement is filed regardless of the location or provider at the time of the incident

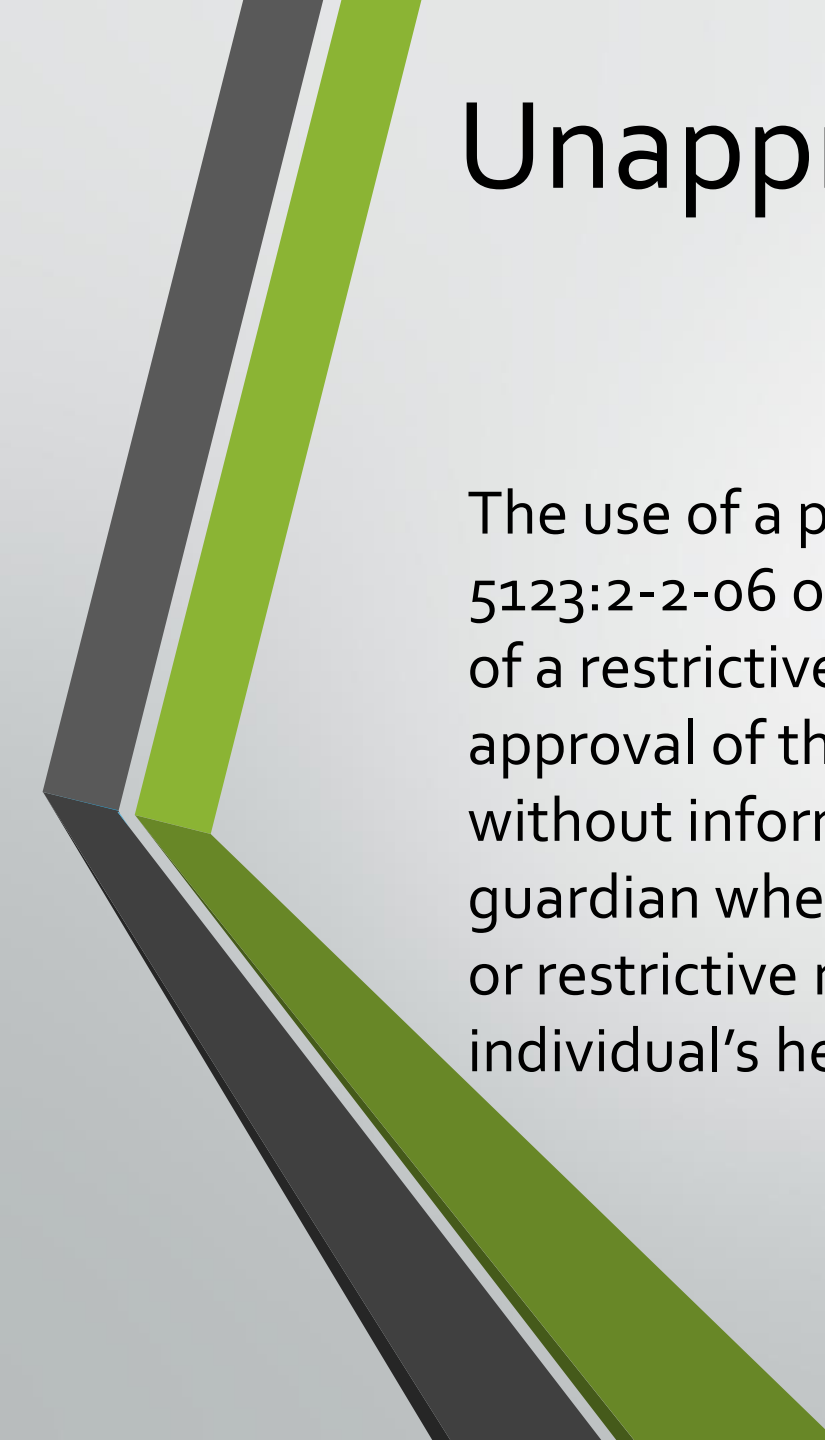
Law Enforcement

Any incident when an individual has been:

- Charged
- Incarcerated
- Arrested
- Tased

Unanticipated Hospitalization

Any hospital admission or stay over 24 hours that is not prescheduled or planned unless the admission is due to a pre-existing condition that is specified in the ISP indicating specific symptoms and criteria that require hospitalization



Unapproved Behavioral Supports

The use of a prohibited measure as defined in rule 5123:2-2-06 of the Administrative Code or the use of a restrictive measure implemented without approval of the human rights committee or without informed consent of the individual or guardian when the use of the prohibited measure or restrictive measure results in risk to the individual's health or welfare.

Reporting Requirements

All incident reports must be received by 3pm the following working day

Immediate to 4 Hour Reporting

- Accidental or Suspicious Death
- Exploitation
- Misappropriation
- Neglect
- Peer-to-peer Act
- Physical Abuse
- Prohibited Sexual Relations
- Sexual Abuse
- Verbal Abuse
- When the provider has received an inquiry from the media regarding a major unusual incident

All other MUI's shall be reported the same day as the incident

- Medical Emergency
- Unscheduled Hospitalization
- Missing Individual
- Law Enforcement
- Failure to Report
- Unapproved Behavior Support
- Significant injury
- Rights Code Violation

Reporting Criminal Acts

Any allegation of a criminal act is to be reported to the law enforcement entity with jurisdiction over the location of the incident immediately.

Any allegation of abused or neglected children under the age of 21 shall be reported to the local public children's services agency.

Who Writes Incident Reports?

- Any person who provides any type of service to an individual with developmental disabilities includes, but is not limited to:
- Direct Support Professionals
- SSAs
- Bus Drivers or Monitors
- Job Coaches
- Work Supervisors
- Nurses
- Volunteers

Unusual Incident Report

- Complete the Unusual Incident Report form, answering ALL questions on the form
- Focus on the cause and contributing factors of the incident and determine preventative measures in order to reduce the likelihood of repeated incidents
- All UIRs are to be submitted to the County Board (report@greenedd.org) by 3pm the following working day

Immediate Actions

- Always document what actions were taken following the incident:
 - Assessed for injuries
 - Called 911
 - Initiated first aid
 - Separated the individuals
 - Notified law enforcement

Cause and Contributing Factors

Preventative Measures

- Causes and Contributing Factors
 - This is not a review of the incident, but why/how the incident occurred
- Preventative Measures
 - Preventative Measures should be addressing the Causing and Contributing Factors
 - "Continue to Monitor" is not acceptable

Trends and Patterns

- Determine if there is a trend/pattern (3 similar UIR's in 1 week or 5 similar UIR's in 1 month; 5 MUI's in 6 months or 10 MUI's in 1 year; other patterns identified by the individual's team)
- Trends and Patterns identified are to be addressed in the individual's ISP

MUI numbers for 2019

- Accidental or Suspicious Death: 0
- Exploitation: 0
- Failure to Report: 0
- Misappropriation: 10
- Neglect: 11
- Peer to Peer Acts: 8
- Physical Abuse: 9
- Prohibited Sexual Relations: 0
- Rights Code Violation: 0
- Sexual Abuse: 1
- Verbal Abuse: 9
- Attempted Suicide: 0
- Non-Suspicious/Accidental Death: 7
- Medical Emergency: 5
- Missing Individual: 1
- Significant Injury: 20
- Law Enforcement: 5
- Unapproved Behavioral Support: 16
- Unanticipated Hospitalization: 40
- Total: 142

Abuser Registry

The Ohio Department of Developmental Disabilities ("Department") maintains an Abuser Registry which is a list of employees who the Department has determined have committed one of the Registry offenses listed below. If your name is placed on the Registry you are barred from employment as a Developmental Disabilities employee in the state of Ohio. Because other state agencies require employers to check the Abuser Registry, placement on the Registry also prohibits you from being employed (1) by a Medicaid agency, being an owner (5 percent or more) of an agency or having a Medicaid Provider Agreement as a non-agency provider; (2) in a position to provide Ombudsman services or direct care services to anyone enrolled in a program administered by the Ohio Department of Aging; and (3) by a home health agency in a direct care position and may prevent you from being hired in a nursing home or residential care facility in a direct care position.

Registry Offenses

- Physical Abuse
- Sexual Abuse
- Verbal Abuse
- Prohibited Sexual Relations
- Neglect
- Misappropriation
- Failure to Report
- **Conviction or plea of guilty to:** Offense of Violence - R. C. 2901.01, including convictions for the offense of Assault, Menacing, Domestic Violence or Attempting to commit any offense of violence; Sexual Offenses - R. C. Chapter 2907; Theft Offenses - R. C. Chapter 2913; Failing to provide for a functionally impaired person – R.C. 2903.16; Patient Abuse or Neglect - R.C. 2903.34; Patient Endangerment - 2903.341; and/or Endangering Children - 2919.22.

898 individuals currently on the abuser registry in the State of Ohio (01/07/2019)

Reporting Information

- Greene County Board of DD (937)562-6500 or report@greenedd.org
- Abuse/Neglect Hotline (866)313-6733
- Abuser Registry List (DODD's website, at the top)
https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx
- Rights violations:
 - Disability Rights Ohio (800) 282-9181
- Medicaid Fraud:
 - The Ohio Department of DD (614)466-6670 or reportfraud@dodd.ohio.gov