

***Major Unusual Incident (MUI) and Rights  
Training***

**WELCOME**

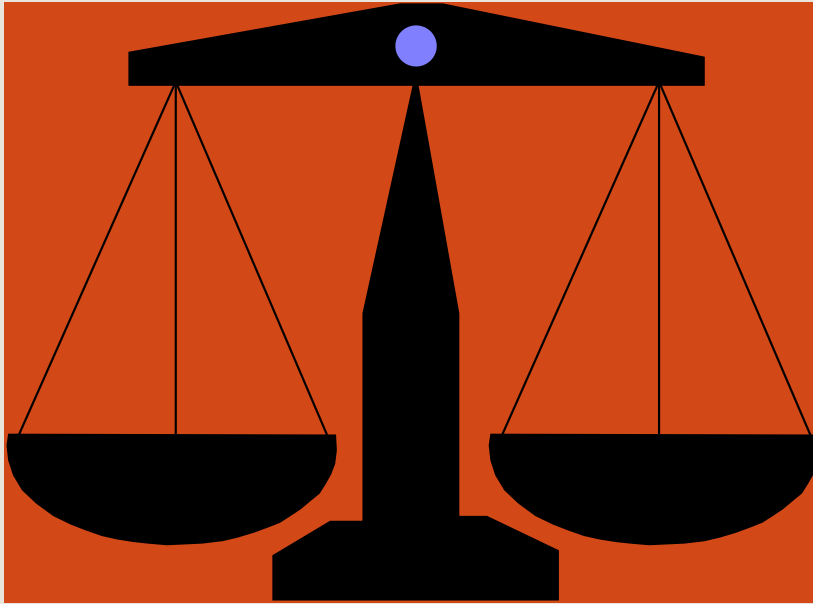
# Bill of Rights

## **Sec. 5123.62 The rights of developmentally disabled persons includes but is not limited to:**

- The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality.
- The right to an appropriate, safe and sanitary living environment that complies with local, state and federal standards and recognizes the persons' need for privacy and independence.
- The right to food; adequate to meet acceptable standards of nutrition.
- The right to practice religion of their choice or to abstain from the practice of religion.
- The right to timely access to appropriate medical or dental treatment.
- The right of access to necessary ancillary services including but not limited to occupational, physical and speech therapy; behavior modification and other psychological services.
- The right to receive appropriate care and treatment in the least intrusive manner.
- The right to privacy, including both periods of privacy and places of privacy.
- The right to communicate freely, with persons of their choice, in any reasonable manner they choose.
- The right to ownership and use of personal possessions so as to maintain individuality and personal dignity.
- The right to social interaction with members of either sex.
- The right of access to opportunities that enable individuals to develop their full human potential.
- The right to pursue vocational opportunities that will promote and enhance economic independence.
- The right to be treated equally as citizens under the law.
- The right to be free from emotional, psychological and physical abuse.
- The right to participate in appropriate programs of education, training, social development and habilitation and in programs of reasonable recreation.
- The right to participate in decisions that affect their lives.
- The right to select a parent or advocate to act on their behalf.
- The right to manage their personal financial affairs, based on individual ability to do so.
- The right to confidential treatment of all information in their personal and medical records.
- The right to voice grievances and recommend changes in policies and services without restraint, interference, coercion, discrimination or reprisal.
- The right to be free from unnecessary chemical or physical restraints.
- The right to participate in the political process.
- The right to refuse to participate in medical, psychological or other research or experiments.

# *Ohio Administrative Code (OAC)*

- The MUI rule is included in Ohio law 5123 as . . .



**Addressing major unusual incidents and unusual incidents to ensure health, welfare and continuous quality improvement.**

- ❖ The Bill of Rights is also included in Ohio law

# *Major Unusual Incident*

## ❖ Definition-

- Alleged, suspected, or actual occurrence of an incident that adversely affects the health and welfare of an individual or places the individual at a likely risk of harm.
- The individual receives services from the county board, or will receive services as a result of the incident.

## *Scope & Purpose:*

- ❖ Applies to county boards, providers and developmental centers
- ❖ To prevent or reduce the risk of harm to individuals
- ❖ Provides for continuous quality improvement



# *Categories: Abuse – 3 types*

## ❖ **Physical**

- The use of physical force that can be reasonably expected to result in physical harm (no actual harm is necessary)
- Prone restraints will be investigated as alleged physical abuse

## ❖ **Sexual**

- The unlawful sexual contact or conduct for the purpose of sexual gratification without the consent of the individual including any act prohibited by ORC 2907, such as public indecency, importuning or voyeurism.

## ❖ **Verbal**

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

# Examples of Physical Abuse:

- THE FOLLOWING ARE **EXAMPLES** OF PHYSICAL ABUSE:
- A CARE PROVIDER SLAPS AN INDIVIDUAL ACROSS THE FACE.
- A STAFF PERSON THROWS A WOODEN HANDLE BRUSH AT AN INDIVIDUAL, HITTING THE INDIVIDUAL IN THE FOREHEAD.
- STAFF THROWS A PUNCH AT AN INDIVIDUAL, BUT MISSES.
- A TEACHER OBSERVES WHAT APPEARS TO BE A CIGARETTE BURN ON A YOUNG INDIVIDUAL'S BACK. (suspected physical abuse of a child under the age of 21 years shall be reported to the local child protective services board).

# Examples of Sexual Abuse:

- THE FOLLOWING ARE **EXAMPLES OF SEXUAL ABUSE**:
- A TEN-YEAR-OLD INDIVIDUAL ALLEGED THAT HIS UNCLE TOUCHED HIS PRIVATE PARTS (suspected sexual abuse of a child under the age of 21 shall be reported to the local child protective services board).
- A STAFF PERSON IS ALLEGED TO HAVE FONDLED AN INDIVIDUAL'S BREAST.
- AN INDIVIDUAL REPORTS THAT HE OR SHE WAS SEXUALLY ASSAULTED IN THE COMMUNITY.

\*all alleged crimes shall be reported to the local law enforcement agency



# Examples of Verbal Abuse:

- **EXAMPLES OF VERBAL ABUSE ARE:**
- A STAFF PERSON THREATENS TO PUNCH AN INDIVIDUAL WHO IS HAVING A BEHAVIOR.
- A STAFF PERSON SENDS A TEXT THAT HE WILL HURT THE INDIVIDUAL IF THE INDIVIDUAL REPORTS THAT THE STAFF WAS NOT PRESENT FOR HIS SHIFT.
- A STAFF PERSON REPORTED HEARING A CO-WORKER SWEARING AND CALLING AN INDIVIDUAL DEROGATORY NAMES IN A THREATENING TONE OF VOICE AFTER THE INDIVIDUAL HAD A TOILETING ACCIDENT.



# Category: Prohibited Sexual Relations

- Any consensual sexual conduct or contact between an individual and an individual's paid employee is prohibited.
- Includes DD supervisory staff for the individual at work or home.



# ***Category: Neglect***

Definition: When there is a duty to do so,  
failing to provide:

- Treatment
- Care
- Goods
- Supervision
- Services
- necessary to maintain **health and welfare**

*\*Results in an adverse effect or likely risk of harm.  
No harm is required!*

# Examples of Neglect:

## **EXAMPLES OF NEGLECT ARE:**

- STAFF FAILS TO SECURE A WHEELCHAIR DURING TRANSPORT AND WHEN THE VEHICLE STOPS, THE CHAIR TIPS OVER RESULTING IN INJURY TO THE INDIVIDUAL.
- STAFF LEAVES THE HOME WHILE AN INDIVIDUAL IS WAITING OUTSIDE IN FREEZING TEMPERATURES. THE INDIVIDUAL'S BUS IS LATE AND THE INDIVIDUAL STANDS OUTSIDE FOR OVER AN HOUR.
- AN INDIVIDUAL'S DIET REQUIRES ALL FOOD TO BE CUT INTO DIME-SIZED PIECES BUT STAFF GIVES THE INDIVIDUAL A SLICE OF PIZZA. THE INDIVIDUAL CHOKES WHILE EATING AND STAFF PERFORMS BACK BLOWS TO DISLODGE THE FOOD.

# Category: Misappropriation

- The deception must be purposeful!



- ❖ With the intent to deprive, defraud, or otherwise obtain the real or personal property of an individual prohibited by law or with malicious intent.

# Examples of Misappropriation:

- **EXAMPLES OF MISAPPROPRIATION ARE:**
- AN INDIVIDUAL'S BANK ACCOUNT STATEMENT SHOWS SEVERAL UNAUTHORIZED WITHDRAWALS TOTALING \$250.
- STAFF USES AN INDIVIDUAL'S FUNDS TO PURCHASE GROCERIES FOR THE STAFF'S FAMILY.
- A CREDIT CARD WAS OPENED IN AN INDIVIDUAL'S NAME WITHOUT THE INDIVIDUAL'S KNOWLEDGE. SEVERAL HUNDRED DOLLARS WORTH OF PURCHASES WERE CHARGED.
- STAFF TAKES MONEY FROM AN INDIVIDUAL'S HOME LOCKBOX AND RETURNS THE MONEY THE FOLLOWING WEEK.

# Category: Exploitation

- ❖ The unlawful or improper act of using an individual or an individual's resources for personal gain or profit



# Examples of Exploitation:

- A RELATIVE ASKS AN INDIVIDUAL TO CO-SIGN A LOAN EVEN THOUGH THE INDIVIDUAL DOES NOT UNDERSTAND WHAT HE OR SHE IS SIGNING.
- STAFF ASKS AN INDIVIDUAL TO COLLECT DONATIONS FOR THE SPECIAL OLYMPICS AND THEN POCKETS THE DONATION MONEY.
- STAFF HAS AN INDIVIDUAL COMPLETE CHORES AT THE STAFF'S HOME. THE INDIVIDUAL IS NOT COMPENSATED AND DID NOT AGREE TO COMPLETE THE WORK.



# Category: Peer-to-Peer Acts

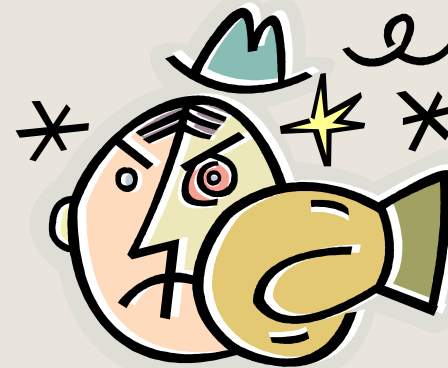
- ❖ **Physical act** when one individual targets another and the act is not accidental or random.

Criteria:

Results in injury that is treated by a physician or nurse practitioner OR

Any head or neck injuries such as a bloody nose or lip, black eye, or other eye injuries OR

All incidents of one individual choking another



# Category: Peer-to-Peer Acts

- ❖ **Verbal act** with intent to threaten, harass, or intimidate another individual. Opportunity and ability to carry out the threat must exist.
- ❖ **Sexual act** of conduct or contact without consent of the other individual.
- ❖ **Theft** with intent and having significant value of \$20, or using a peer's resources for personal gain or profit.

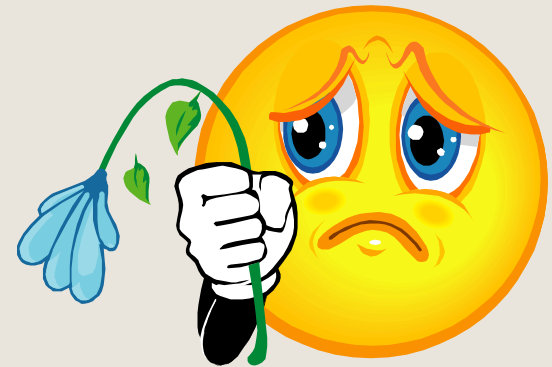
# Peer-to Peer-Acts/ Findings

- Substantiations will be based on whether or not the incident occurred
- No substantiations against individuals
- Summary letters will be sent to parties of all individuals involved
- Focus will be on prevention!



# Category: Death

- ❖ Accidental or Suspicious (4 hr reporting)
- OR
- ❖ Of natural causes and not suspicious in nature



# How to Respond:

Do Not Delay!

Ensure that staff are trained to respond to emergencies by initiating CPR when necessary and calling 911 immediately!



# Reporting Requirements:

❖ Notify the County Board immediately (within 4 hours) for incidents of:

- Alleged abuse or neglect
- Misappropriation or Exploitation
- Accidental or Suspicious Death
- Peer-to-Peer Acts
- Any media inquiries regarding an MUI



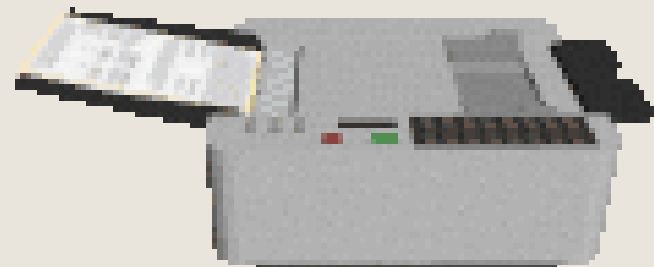
# Reporting Requirements:

Submit the written incident report to the FCBDD  
MUI Unit by 3 pm the next working day.

**FAX 342-5593**

or

E-mail [muiunit@fcbdd.org](mailto:muiunit@fcbdd.org)



# Reporting Requirements:

- All DD employees are required to report suspected abuse, neglect, misappropriation or exploitation of an individual.
- The provider shall report allegations that may constitute a criminal act to law enforcement or the child protective services for alleged abuse or neglect of an individual under the age of 21 years.
- The county board shall ensure notifications were made.



# Category: Failure to Report

- ❖ Could result in placement on the Abuser Registry if an employee fails to report an incident that leaves an individual at substantial risk of harm.
- ❖ Employee knew or should have known the risk.



# Examples of Failure to Report:

- AN INDIVIDUAL AT A WORKSHOP REPORTS THAT HOME STAFF HIT HIS LEGS WITH A BROOM HANDLE. BRUISING AND REDNESS ARE OBSERVED ON HIS CALVES. WORKSHOP STAFF DO NOT REPORT THE INCIDENT AND THE INDIVIDUAL IS SENT HOME ON THE BUS PLACING THE INDIVIDUAL AT FURTHER RISK FOR ABUSE.
- A FEMALE INDIVIDUAL INFORMS HER HOME STAFF THAT A PEER SEXUALLY ASSAULTED HER IN THE BATHROOM AT WORK. THE INCIDENT IS NOT REPORTED AND THE INDIVIDUAL RETURNS TO WORK WITHOUT PROTECTION FROM FURTHER ABUSE.

# INCIDENT REPORTS:

- INCIDENT REPORTS SHALL INCLUDE THE FOLLOWING:
- NAME OF THE INDIVIDUAL (NO NICKNAMES)
- DATE, TIME AND LOCATION OF INCIDENT
- DATE AND TIME OF GUARDIAN AND SSA OR ICF-IID ADMINISTRATOR NOTIFICATIONS
- A DETAILED DESCRIPTION OF THE INCIDENT
- IMMEDIATE ACTIONS TAKEN TO ENSURE HEALTH AND WELFARE OF ALL AT-RISK INDIVIDUALS

# *Administrative and Criminal*

- ❖ Mandated referrals to law enforcement for any incident that is an alleged crime
- ❖ Criminal investigations are completed by law enforcement
- ❖ Intermediate Care Facilities are required to complete investigations according to Federal regulations
- ❖ Administrative investigations are completed by the county board MUI unit investigative agents (IA)



# Child Protective Services:

- Mandated reporting of suspected or actual abuse or neglect of an individual 21 years of age or younger.
- Referrals can be made in Franklin County by calling Franklin County Children Services (FCCS) at 229-7000.



# *Abuser Registry*

- ❖ Effective since November 2000
- ❖ Most serious cases
- ❖ Placement on the Abuser Registry prevents employment within the DD field in the state of Ohio
- ❖ Criminal conviction is NOT required for placement
- ❖ Due process applies

# *Registry Offenses:*

**Physical Abuse**

**Sexual Abuse**

**Verbal Abuse**

**Prohibited Sexual Relations**

**Neglect**

**Misappropriation (Theft)** - obtaining the property of an individual or individuals, without consent, with a combined value of at least \$100. Theft of the individual's prescribed medication, check, credit card, ATM card and the like are also Registry offenses.

**Failure to Report Abuse, Neglect or Misappropriation**

**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.

## PPI:

- PPI stands for the primary person involved in an incident or the alleged perpetrator of an incident.
- A PPI may be a staff person, relative, community person or other who is unknown at the time of incident report.



# *What to expect if you are a PPI:*

❖ Removal from direct contact with all at-risk individuals if alleged to have committed abuse or neglect for the following reasons:

- Protection for individuals
- Protection for PPI from additional allegations
- Cooperation with the investigation is *required*
- Investigation determines outcome
- Substantiations may be reviewed for the Abuser Registry

# *Employer Responsibilities*

- PPIs should be removed from direct contact with any at-risk individuals for allegations of abuse and neglect until the provider has reasonably determined that removal is no longer necessary.
- The provider shall notify the county board of any changes made regarding a protective action.
- Any disagreements between a provider and county board regarding an immediate protective action will be reported to the Ohio Department of DD.

## *Additional MUI Categories*

❖ These categories are reported as MUIs regardless of where the incident occurs (with or without a service provider):

- ❖ Law Enforcement
- ❖ Attempted Suicide
- ❖ Missing Individual

# *Law Enforcement Involvement*

C – I – A

Charges  
Incarceration  
or  
Arrest

...of an individual  
regardless of where  
the incident occurs



# *Law Enforcement MUIs /Immediate Actions to Protect*

- Ensure that the incarcerated individual has all necessary medications
- Ensure that the individual has appropriate court representation
- Request that vulnerable individuals are separated from the general inmate population as necessary to ensure health and welfare
- Communicate with team members to develop good prevention plans

# *Attempted Suicide*

❖ A physical attempt that results in:

- *ER treatment*
- *Inpatient observation*
- *Hospital admission*
- *Regardless of where incident occurs*



# *SUICIDE ATTEMPT/ IMMEDIATE ACTIONS TO PROTECT*

- ALL SUICIDE THREATS AND ATTEMPTS SHOULD BE TAKEN SERIOUSLY
- ENSURE THAT NECESSARY PSYCHIATRIC OR MEDICAL ATTENTION IS PROVIDED
- COMMUNICATE WITH TEAM MEMBERS TO ENSURE APPROPRIATE FOLLOW-UP SERVICES ARE PROVIDED

# *Missing Individual*

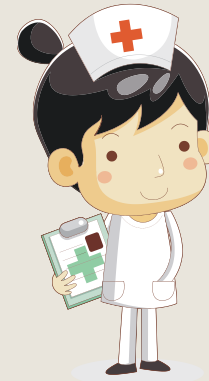
- ❖ Individual cannot be located after searching immediate area
- ❖ Individual or others are at **imminent risk** of harm
- ❖ Regardless of where incident occurs





# Remaining MUI Categories:

- Reported when incident occurs when the individual is being served by a certified/licensed provider:
  - Medical Emergency
  - Unscheduled Hospital Admission
  - Significant Injury
  - Unapproved Behavior Support
  - Rights Code Violation



# *Medical Emergency*



❖ Emergency medical intervention required to save a life:

- Choking relief /back blows
- CPR
- Emergency Surgery
- Epi pen
- Any other “life saving” treatment

## *Medical Emergency/ Prevention Plans*

- Ensure that staff are trained on individual's diet plans, textures and food restrictions
- Ensure that staff are trained to call 911 and respond immediately to emergencies
- Ensure that staff are familiar with allergies/ signs and symptoms and know how to respond

# *Unplanned Hospital Admission*

- ❖ Any unplanned or unscheduled hospital admission *unless* the individual's medical condition and treatment is specifically outlined in the ISP (Individual Service Plan).



# *Significant Injury*

## **Unknown:**

- unknown cause  
with no suspicion  
of abuse/neglect
- AND
- requires treatment  
that only a medical  
professional can  
provide

OR

## **Known:**

- known cause with:
  - Bone fracture
  - Dislocation
  - Serious sprain
  - 5 or more sutures
  - Serious burn



# *Injury Prevention*

- All precautions should be taken for individuals who are prone to falls or have a history of falling
- It is important to protect individuals with sunscreen during summer months
- Ensure that homes and workplaces are free from hazards that may cause accidents and injuries
- Ensure that individuals are supervised appropriately at home and in the workplace to ensure health and welfare

## *Unapproved Behavior Support/ MUI*

- The use of an aversive intervention *prohibited* by paragraph (J) of rule OAC 5123:2-1-02
  - or implemented without approval by the human rights committee or behavior support committee
  - or without informed consent,
- **that results in a likely risk to the individual's health and welfare!**

# Unapproved Behavior Support/ MUI

- Due to the known risk of prone (face down) restraints, incidents that occur will be investigated as physical abuse.
- Behavior support techniques should NEVER be used for staff convenience!
- Staff should immediately **STOP** any restraint in which an individual is injured or turns to a face down position.





# Unapproved Behavior Support/ UI

- An aversive strategy or intervention prohibited by (J) rule that does NOT pose a likely risk to health and welfare shall be investigated as an **unusual incident**.

# ***Rights Code Violation***

Any violation of the **Bill of Rights** that creates a likely risk of harm.

- When an individual is receiving services from a certified or licensed provider.
- All individuals shall be treated with respect and dignity!



# All MUI Categories

- ❖ Shall be reported verbally to the MUI Unit by calling (614) 464-2743 during business or non-business hours
- ❖ Written incident report sent to the MUI Unit by 3 p.m. the following business day



## *Category C MUIs:*

- The following categories require the service provider or SSA to assist with the MUI completion by submitting a completed Category C form:
- Law Enforcement
- Unapproved Behavior Support
- Unscheduled Hospitalization

## *Category C MUIs:*

- The service provider, SSA and MUI staff collaborate on the completion of the Category C Form
- Summary letters are NOT sent to team members



# Incident Reports

Must Include:

- ❖ Individual's full name (no initials)
- ❖ Date, time, and location of incident
- ❖ Guardian/SSA notification dates & times
- ❖ PPI name (correct spelling)
- ❖ Incident summary with immediate action to ensure health and welfare

# Incident Reports

- The incident report shall be completed by the service provider staff who is present at the time of incident.
- Best practice for incident reports to be completed by the end of shift.
- Administrative staff, or witnesses of the incident may provide additional reports as necessary.

# Provider Responsibilities

When an MUI occurs:

-Ensure health and welfare by:

- 1) seeking medical treatment as necessary
- 2) removing PPI from direct contact
- 3) any other action deemed necessary

-Notify the MUI Unit according to reporting requirements



# Unusual Incident / Definition

An incident that is not consistent with routine operation or care but is not an MUI.

Includes:

- medication errors
- falls
- overnight relocations
- minor injuries
- peer to peer acts that result in minor injury or no injury

# Unusual Incidents (UI)

- The agency provider is required to investigate unusual incidents, identify the cause and contributing factors and develop preventive measures to protect the health and welfare of any at-risk individuals.



# Unusual Incidents

- If the unusual incident occurs at a site operated by the **county board**, the county board or contract entity shall notify the licensed provider/staff, guardian, or other person whom the individual has identified at the individual's residence.
- The notification shall be made on the **same day** the unusual incident is discovered.

# *Unusual Incidents*

- **Independent providers** shall complete an incident report, notify the individual's guardian or other person whom the individual has identified and forward the incident report to the service and support administrator on the **same day** the unusual incident is discovered.



## *UI LOGS/ TRACKING*

- ALL PROVIDERS, INCLUDING INDEPENDENT PROVIDERS, ARE REQUIRED TO MAINTAIN A LOG OF UNUSUAL INCIDENTS AND REVIEW THE LOG **MONTHLY** TO IDENTIFY TRENDS AND PATTERNS AND ENSURE THAT MUIS HAVE BEEN REPORTED.
- PROVIDERS SHOULD MAINTAIN UI LOGS AND REVIEW DOCUMENTATION FOR THE PURPOSE OF PROVIDER CERTIFICATION REVIEWS.

# Trends & Patterns/ UI

- All agency and independent providers are required to maintain a log of unusual incidents. The log shall include the following:
- Name of individual
- Brief description of incident
- Any injuries
- Time, date and location of incident
- Preventive Measures

## *UI Tracking*

- A UI trend or pattern is defined as three or more of the same incidents occurring in one week or five or more of the same incident occurring in one month.
- A UI trend or pattern may be identified across settings.
- Service providers shall notify the SSA upon the identification of a UI trend so that cause and contributing factors and prevention plans can be included in the affected individual's ISP.

# Trends & Patterns/ UI

- The UI Logs and review documentation shall be made available to the county board and/or DODD upon request.





# *UI TRACKING FORMS*

- Unusual incident log forms and training materials can be accessed on the Ohio Department of DD website under the **Health and Safety Toolkit** at:

<http://dodd.ohio.gov/healthandsafety/Pages/For-Providers.aspx>



# *MUI REVIEWS*

- All providers including independent providers, are required to review MUIs semi-annually and annually.
- **Semi-annual reviews (January 1<sup>st</sup> – June 30<sup>th</sup>) shall be submitted to the MUI Unit by August 31<sup>st</sup>.**
- **Annual reviews are comprehensive for the year and shall be submitted to the MUI Unit by February 28<sup>th</sup>.**

## *MUI Reviews*

- MUI reviews shall include identification of trends and patterns and plans to prevent recurrence.
- MUI trends and patterns should be reported to the affected individual's assigned SSA for inclusion in the individual's ISP.
- The ISP should identify cause and contributing factors and prevention strategies to reduce recurrence.

# Trends & Patterns/ MUI

- All agency service providers, including county boards, and independent providers are required to review MUIs semi-annually and annually to identify trends & patterns.
- All identified trends & patterns shall be included in the affected individual's ISP.

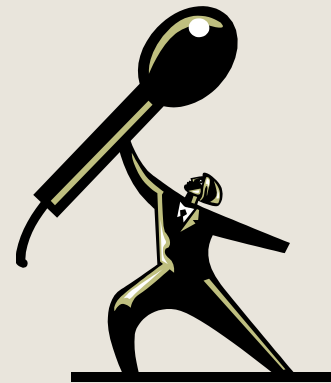
## *What YOU need to know about reporting Abuse, Neglect, MUIs, and UIs*

- ❖ You are a mandated reporter
- ❖ Know your internal reporting procedures
- ❖ Failing to report an incident that leaves an individual at risk may result in placement on the *Abuser Registry*
- ❖ It is a violation of law for employers to retaliate against an employee for good faith reporting!

# Reporting Overview:

Immediate to **4 hour** reporting for:

- ❖ -Abuse
- ❖ -Neglect
- ❖ -Misappropriation/Exploitation
- ❖ -Accidental or Suspicious Death  
or
- ❖ -MUI media inquiries



# *Be Ready to Respond*

- ❖ Intervene immediately for health and welfare
- ❖ Complete documentation
- ❖ Notify the county board
- ❖ Send incident report



# *MUI Training*

All direct support staff shall receive training prior to direct contact with an individual and annually thereafter.



Staff other than direct care shall receive training within the first 90 days of employment and annually thereafter.



# *Alerts*

## Health & Safety Alerts

[www.dodd.ohio.gov](http://www.dodd.ohio.gov)



# FCBDD MUI Unit/ Contact

- Phone: (614) 464-2743 (24-hour access)
- Fax: (614) 342-5593
- E-mail: [muiunit@fcbdd.org](mailto:muiunit@fcbdd.org)



# DODD Contact

- Ohio Department of Developmental Disabilities (DODD) website:

[www.dodd.ohio.gov](http://www.dodd.ohio.gov)

The *HEALTH AND SAFETY Toolkit* includes training materials and forms