

"AT A GLANCE"

County Board Administrative Responsibilities with Major Unusual Incidents and Unusual Incidents

From Rule	Requirement
(D)(4) Reporting Requirements	Immediately upon identification or notification of a major unusual incident, the provider shall take all reasonable measures to ensure the health and welfare of at-risk individuals. The provider and county board shall discuss any disagreements regarding reasonable measures in order to resolve them. If the provider and county board are unable to agree on reasonable measures to ensure the health and welfare of at-risk individuals, the department shall make the determination. Such measures shall include: (a) Immediate and ongoing medical attention, as appropriate; (b) Removal of an employee from direct contact with any individual when the employee is alleged to have been involved in physical abuse or sexual abuse until such time as the provider has reasonably determined that such removal is no longer necessary; and (c) Other necessary measures to protect the health and welfare of at-risk individuals.
(D)(8)	Enter preliminary information on ITS and in the manner prescribed by the department by 5 p.m. on the working day following notification by the provider or becoming aware of the MUI. Interpretation: Ensure provider is timely with written reports. If the county board receives notification of an MUI through their on call system and they know that this meets the definition for a potential MUI then that is their discovery date. If additional information is needed the county board should contact the provider if there is health and welfare concerns or they can gather that information and determine if the incident is an MUI when they receive the UI by 3pm the following day. The county board should never wait past 5pm the following working day. If the provider has not sent in an incident report, the county board should file with the information received from the hotline call.
(D)(9)	Keep the provider apprised of the status of the administrative investigation so the provider can resume normal operations, as soon as possible, consistent with the health and safety of any at-risk individuals.
(D)(11)	Have a system that is available 24-hours a day, 7-days a week to receive/respond to all reports required by the rule and communicate this system in writing to all individuals receiving services or their guardians, providers and the department.
(E)(2) Reporting Alleged Criminal Acts	Immediately report to law enforcement any allegation of a criminal act. The county board shall ensure that the notification has been made to the entity having jurisdiction of the location where the incident occurred.
(F) Abused or Neglected Children	Immediately report to Children Services all allegations of abuse or neglect involving individuals under the age of twenty-one years. Interpretation: The county board must ensure the notification has been made and it must be reported to the entity having jurisdiction of the location where the incident occurred.
(G)(1) Notification Requirements	Ensure notifications to the individuals as identified in (G)(1)(a)-(d) of the rule, as applicable, when the incident of discovery of the incident occurs when such provider has responsibility for the individual. The notification shall be made on the same day the incident or discovery of the incident occurs and include immediate actions taken. Make Notification to: (a) Guardian or other person whom the individual has identified. (b) Service and Support Administrator (c) Other providers of services as necessary to ensure continuity of care/support (d) Staff or family living at the individual's residence who have responsibility for the individual's care.
(G)(5)	Notification to a person is not required when the report comes from such person or in the case of a death when the family is already aware of the death.
(H)(2) General Investigation Requirements	All MUIs require an investigation meeting the requirements established in either appendix A, appendix B or appendix C to this rule, unless it's not possible or relevant in which case the reason shall be documented. Investigations shall be conducted by investigative agents certified under rule 5123:2-5-07 of the Administrative Code. See (H)(2)-(4) for additional information on this process.

(H)(5)	<p>Immediately, but no later than twenty-four hours after the discovery of any MUIs in category A, commence and document the initiation of the investigation. If law enforcement and/or children services decline to investigation, the county board shall commence the investigation within twenty-four hours of notification.</p> <p>For MUIs in categories B and C, the county board shall commence an investigation within a reasonable amount of time based upon the initial information received or obtained and consistent with the health and welfare of all at risk individuals, but no later than three working days from notification or identification by the county board.</p> <p>Interpretation: "Commencing an Investigation" means any of the actions defined as such in the appendix portion of this rule.</p>
(H)(8)	<p>All DD employees shall cooperate with administrative investigations conducted by entities authorized to conduct investigations and shall respond to requests for information within the timeframe requested. The timeframes identified shall be reasonable.</p>
(H)(9)	<p>The IA shall complete a report of the investigation and submit it for closure in the ITS within 30 working days unless the department grants an extension. The department shall grant such extensions for good cause. If an extension is granted, the department may require submission of interim reports and may identify alternative actions to assist with the timely conclusion of the report.</p>
(H)(10)	<p>The report shall follow the format prescribed by the department.</p>
(I) Department-Directed	<p>Notify the department when the incident meets the requirements of a department-directed investigation.</p>
(J)(1) Written Summaries	<p>No later than 5 days following the county board's recommendation via the ITS that the report be closed, the county board shall provide a written summary of the administrative investigation of category A or category B MUIs, including the allegations, the facts and findings, including as applicable whether the case was substantiated or unsubstantiated, and preventive measures implemented in response to the MUI, to the individuals as listed in (J)(1)(a)-(c) of the rule. See (J)(2)-(3) for additional information on this process.</p>
(J)(4)	<p>The SSA or county board designee shall be responsible for ensuring the preventative measures are implemented based upon the written summary.</p>
(J)(5)	<p>An individual, individual's guardian, other person whom the individual has identified or provider may dispute the findings.</p>
(K)(1) Review, Prev. Closure	<p>Implement a written procedure for the internal review of all MUIs and shall be responsible for taking all reasonable steps necessary to prevent the reoccurrence of MUIs. This includes senior management notification within two working days following discovery of misappropriation, neglect, physical, or sexual abuse.</p>
(K)(2)	<p>The individual's team, including the county board, shall ensure that risks associated with MUIs are addressed in the service plan, and collaborate on the development of preventive measures to address causes and contributing factors to the major unusual incident.</p>
(K)(5)	<p>The county board shall review and close reports regarding all incidents as listed in (K)(5)(a)-(f) of the rule.</p>
(K)(6)	<p>The department may review any case to ensure it has been properly closed and may reopen any investigation that does not meet requirements of the rule. The county board shall provide any information deemed necessary by the department to close the case.</p>
(K)(7)	<p>Follow rule criteria when determining whether to close a case. See (K)(7)(a)-(f) for additional information on this process.</p>
(L)(1) Analysis of MUI Trends & Patterns	<p>Analyze MUIs to identify trends and patterns annually with the annual review being comprehensive for the year. The annual report should contain: (a) Date of review; (b) Name of person completing review; (c) Time period of review; (d) Comparison of the data for previous three years; (e) Explanation of data; (f) Data for review by MUI category type; (g) Specific individuals involved in established trends and patterns (i.e.:5 MUIs of any kind within 6 months, 10 MUIs of any kind within a year, or other pattern identified by the individual's team.</p>
(L)(3)	<p>Conduct the analysis and follow-up for all entities operated by county boards such as day programs, schools and transportation. The county board shall send its analysis and follow-up actions to the department by February 28 for the annual review.</p>
(L)(4)	<p>Have a committee that reviews trends and patterns of MUIs. The committee shall be made up of a reasonable representation of the county board(s), providers, individuals who receive services and their families and other stakeholders deemed appropriate by the committee.</p>

(L)(4) (b)	Committee shall meet each March to review and analyze data for the preceding calendar year.
(M)(2) UI Requirement	Develop and implement a policy and procedure as identified in (M)(2)(a)-(d) of the rule.
(M)(3)	Ensure all staff are trained and knowledgeable regarding the policy and procedure.
(M)(4)	If the CB is the provider when the UI occurs, they shall notify other providers of services to ensure continuity of care.
(M)(7)	UI reports, documentation of identified trends and patterns and corrective action shall be made available to the department upon request.
(M)(9)	Ensure risks associated with unusual incidents are addressed in each individual's service plan.
(N)(1)	Review, on a quarterly basis, a representative sampling of provider logs including logs where the county board is a provider for the purpose of ensuring all MUIs required to be reported have been reported and that trends and patterns have been identified and addressed. The sampling shall be made available to the department for review upon request.
Training (P)(1)	Ensure staff employed in direct services positions are trained on the requirements of this rule prior to direct contact with any individuals. Thereafter, staff employed in direct services positions shall receive annual training on the requirements of this rule including a review of health and welfare alerts issues by the department since the previous year's training.
(P)(2)	Ensure staff employed in positions other than direct services positions are trained on the requirements of this rule no later than ninety calendar days from date of hire. Thereafter, staff employed in positions other than direct services positions shall receive annual training on the requirements of this rule including a review of health and welfare alerts issued by the department since the previous year's training.