

Office of MUI/Registry Unit

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MUI Rule O.A.C. 5123:2-17-02 Effective 9/3/13
Frequently Asked Questions (FAQ)
7/24/13

- 1) What is the timeline requirement for the SSA to complete and submit the Appendix C forms to the IA or MUI Contact? **Best Practice is for the Appendix C form to be completed and returned to the IA or MUI Contact no later than 14 days from the date the MUI was filed.**
- 2) Should there be different written summary letters for each peer involved in a peer to peer act? **Yes, there may be information about one of the involved peers that the other individual's guardian should not receive as it would be considered confidential.**
- 3) Does the size of a 2nd or 3rd degree burn matter when filing a Significant Injury? **All 2nd and 3rd degree burns should be filed as Significant Injury MUIs.**
- 4) How should the CB address their concerns when an ICF is interviewing and investigating a case that LE is the lead? **The County Board can accept their investigation once complete or seek additional information if needed like they would in any other investigation.**
- 5) Please explain the risk to holding someone's hands that is trying to self-injure and does this need to be filed as an Unapproved Behavior Support? **If the staff involved can hold the individuals hand, guide and escort without resistance then there may not be a need to file an MUI for a UBS but if the staff needs to hold the individuals wrist and put pressure on the hands or wrist area due to the resistive behavior of the individual, then we would ask that an MUI be filed as there would be a risk of injury.**
- 6) Do you file a MUI if an individual falls and their teeth are knocked out or the teeth are pushed into the Nasal Cavity and surgery is required? **If a dental injury occurs due to a fall and requires treatment from a dentist then the risk is high enough to file an MUI under the Significant Injury Category.**
- 7) What can we do about providers who refuse to do UI logs or analysis correctly? **We recommend that you contact your Regional Manager.**
- 8) Should a MUI be filed for UBS for pulling an individual away from others in a chair or a wheel chair, locking wheelchairs or turning off the wheel chair? **Yes, if you need to pull the individual away from an incident while they are in their wheelchair then that is the same as an escort with resistance. Questions to keep in mind would be: is the individual resisting while you're pulling the chair? Are you tipping the chair back so they can't resist? Are you holding their hands so they can't resist. If you need to move a person in a wheelchair due to the aggression of others and they cannot move themselves then that is not a UBS. Turning off the wheelchair when the person cannot turn it back on would be considered a UBS and should be filed.**

- 9) If an individual is punched in the eye but does not bruise for 2 days, can we file then and it not be considered late reporting? **This would not be a best practice. An assessment should be completed right after the incident. If there is a facial injury, an MUI should be filed. If the force was minimal and the injury fades within a few minutes then an MUI would not be needed. Please note that these are facial injuries.**
- 10) What is the difference between misappropriation and exploitation? **Any type of theft even if the individual does not incur debt is still considered theft and a misappropriation MUI should be filed. Exploitation is when the individual is taken advantage of, If the Individual is working for free, giving his money to friends who only visit when they need money... Please review the Interpretive Guidelines for further clarification.**
- 11) Why do we need to report Exploitation to Law Enforcement (LE)? **You should notify LE in cases of Exploitation when there has been a Criminal Act or Unlawful Act committed.**
- 12) Should you file an MUI if an individual reports that they were arrested but were not being served at the time and they don't want the CB to be involved? **Yes , If the individual is stating that they don't want any help or assistance then the county board can respect that and not interview the individual but an MUI needs to be filed regardless of whether the individuals was receiving services at the time of the arrest. Anytime an individual is charged, incarcerated, or arrested a Law Enforcement MUI is filed.**
- 13) If an Individual repeatedly punches and kicks a peer in the chest and head several times but there is no injury and keep going after this peer, is this still a UI? **A UI Investigation will be needed. The MUI Rule addresses what a UI Investigation should include. If the punches to the head require the individual to go to the hospital for testing, an MUI should be filed even if the tests are negative. If the force and the amount of hits warranted a trip to the ER then an MUI should be filed. When an incident shows that an individual is targeting or firmly fixed, please investigate the immediate actions and how staff intervened whether it is an MUI or UI Investigation.**
- 14) How do I handle summary letters for a peer to peer act without breaching confidentiality? **DODD's Webpage contains a Health and Safety Tool Kit. The Tool Kit contains examples of summary letters and other resources. Please note: it is important that you do not send confidential information to the guardian for the other individual in a peer to peer act.**
- 15) Can the CB notify a provider that their new staff was involved in a previous MUI? **No, secondary notifications per rule can only be made when law enforcement has been notified of an alleged crime, then the department may provide notification of the incident to any other provider, developmental center, or county board for whom the primary person involved works, for the purpose of ensuring the health and welfare of any at-risk individual. If your county has a concern about a staff that has a known history as a PPI or if this PPI is now trying to become an Independent provider, please contact your Regional Manager.**
- 16) How do we determine if a Peer to Peer Act is criminal? **Please review with your Regional Manager or with your LE contact if you have questions.**
- 17) If a hospital admission is upgraded to neglect, is the Unscheduled Hospitalization Form still required?
No

- 18) What does immobilization mean? Does this include a splint, bandage wrap and buddy tape? **We consider Immobilization to be medical equipment such as an air cast or a large splint with a sling. You do not need to file a MUI for bandage wraps or buddy tape used to tape two fingers/toes together when the injury does not result in a broken bone.**
- 19) Peer to Peer Acts – Do you need to file a MUI for serious bite marks that do not need treatment? **No, if a bite mark requires medical treatment and the individual is at risk for infection then an MUI should be filed. If the bite mark is to the face or ear then an MUI would be filed due to it being a facial injury.**
- 20) An Individual is found lying on the floor by their bed when staff enters the room. The Individual claims they tripped on the rug and fell. The Individual has broken his wrist when he reported he tried to break his fall. The injury was not witnessed by anyone so is this considered an Unknown Injury? **No, this should be considered a Significant Injury of Known Origin. It should be entered into ITS dropdown box this way since the individual is telling staff how the injury occurred.**
- 21) Is it an MUI if an individual has an object stuck in their throat, are able to breathe but the ER has to suction the object out? **Yes, this should be filed as a Medical Emergency.**
- 22) Is Peer to Peer Act filed as a group MUI? **Yes.**
- 23) Will there be a drop down category for peer to peer injury in ITS? **Yes.**
- 24) Is biting firmly fixed? **Yes, but would not be considered an MUI unless the bite is to the head, neck or facial area which would include ears.**
- 25) Is a punch to the head for Peer to Peer Act an MUI if there is no injury? What if the individual says their head hurts where they were punched? **Yes, especially if the individual goes to the ER.**
- 26) Is a red mark on the face that quickly fades considered an MUI? **No.**
- 27) How will ITS look with a peer to peer incident? Will there be a prevention plan area for each individual? **A User Guide will be posted on ITS which includes instructions on how Peer to Peer MUIs should be filed in ITS. There will be a prevention plan for each individual listed but may be included all in same box.**
- 28) A brief hands down with no resistance is a UI. **Yes, resistance is the key.**
- 29) Is turning off a wheelchair a UBS? **Yes, it is considered a time out because egress is prevented?**
- 30) Is holding a wheelchair or pulling a wheelchair against a person's will a UBS MUI? **Yes, the wheelchair is a part of the individuals functioning and would be considered a UBS.**
- 31) If the BSP states that the individual can only be restrained for 2 hours and the individual is restrained longer than the plan allows, is this considered a MUI? **Yes, when the hold goes outside of the plan an MUI needs to be filed for Unapproved Behavior Supports (UBS).**
- 32) What does DODD expect from providers when completing a UI Investigation? **For incidents that meet the UI Definition, DODD would like to see a good explanation of the incident with immediate actions. The investigation should show antecedents, cause and contributing factors as well as sound preventive**

measures. The investigation should show trends or history of previous incidents similar to the one being investigated.

- 33) If Paramedics are called to a home and they put an IV in the individual as part of their policies and not due to a life threatening situation, is this considered an MUI? This would not be an MUI. Medical Emergency MUIs are filed for life saving techniques. An IV is not an MUI unless it is being done to save the individual's life.
- 34) What is does a representative sampling mean when the county board is asking providers for UI Logs? It is dependent on the size of the provider, the array of services they provide, and other factors. The County Board should inform the providers what information they are requesting and at what frequency. Since the new rule states that they only need to review provider logs quarterly that may be the rule of thumb.
- 35) Please clarify what is the county board discovery date for an MUI. Is it when the provider notifies the county board through their hotline system or is it when the county board receives the incident report by 3pm the next working day following the initial knowledge of the MUI? 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 3pm 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.
- 36) If a staff person is driving individuals served to the movies and they get into a car accident, is that neglect on the staff? The severity of the incident is one factor and another factor would be if the staff person was cited by law enforcement. There is risk and a duty so we would ask that the county board file neglect MUI due to the seriousness of the accident and that the driver was cited.
- 37) Please clarify what "Around the Clock" services means in reporting of MUIs in D (2)-(3) of the rule? Around the clock services refers to when an individual lives in a home where is staff scheduled 24-hours a day, regardless if that individual has alone time. If an individual's receives around the clock services then you would file the MUI no matter where the incident occurred.
- 38) What is considered a trend when reviewing the Unusual Incident Log and what is expected of a provider when a trend is found during the review? A provider and team can make the decision on what is a trend if they feel that the incidents have a risk to the health and welfare of the individual. The MUI Unit has suggested that a UI trend is 3 same or similar in a week or 5 same or similar in a month. These incidents are those that the team feels cause a risk to the individual. When a trend is found the MUI rule dictates that the trend is addressed in the ISP of the individual. In order for this to occur it is best practice that the provider contacts the SSA for the individual so this trend and the preventive measures can be a part of the ISP.