Ohio | Department of Developmental Disabilities

Office of MUI/Registry Unit

John R. Kasich, Governor
John L. Martin, Director

Major Unusual Incidents

Understanding the MUI Reporting System

A Handbook for the Individuals, Families and Paid Supports of the SELF Waiver

DODD Hotline Number: **866-313-6733**
Questions: (614) 995-3810

County Board Contact: _____

☏ Phone: ( ) _____

✉ Email: _____

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Introduction

This handbook has been developed to assist individuals and families receiving the Self-Waiver in understanding major unusual incidents (MUI's) and the various activities and responsibilities that occur when one is reported. Incidents impacting health and safety are reported in order to provide immediate assistance to protect the health and welfare of individuals served. The role of the family is not detailed in the MUI Rule, as families are not required in rule to report incidents. The Department, however, recognizes the valuable role families' play and the importance for families to understand why the MUI system exists, how they might be involved from time to time and the role of providers, county boards and the Department in protecting individuals with disabilities. The Ohio system for reporting MUIs is dependent on timely reporting and follow up to incidents and so it is critical that families, individuals, community members and paid supports understand the system.

I. What is an MUI?

An MUI (major unusual incident) is an alleged, suspected or actual occurrence of an incident when there is reason to believe the health and safety of an individual may be adversely affected and the individual may be placed at a reasonable risk of harm. The types of MUIs are explained in the Definitions section of this guide.

II. Why are MUIs Reported?

The MUI system is set up for the purpose of identifying the cause or contributing factors leading up to the incident and developing prevention plans to reduce the likelihood of the incident occurring again. MUIs are always filed on the victim. The residential provider is also flagged for incidents involving individuals whom they serve. This assists the provider in looking at trends and working with the county board to address them.

III. How are MUIs Different From UIs (Unusual Incidents)?

Unusual Incidents may be events involving a person with a developmental disability that are not consistent with daily operations, care or habilitation of that person.

Unusual Incidents are anything that is not an MUI, medication errors where there is not a reasonable risk of harm, falls, peer-to-peer incidents that are not MUIs, overnight relocations due to natural disasters, fire, mechanical failure, and any other identified by the agency provider or the county board. These incidents are handled at the provider level and are reviewed quarterly by the county board of DD.

IV. Who Must Report?

1. All providers who are contracted, certified or licensed to serve persons with DD are *required* to report MUIs to the county board. (Support Brokers and FMS)

2. All county board staff and department staff are also *required* to report MUIs.

3. A basic responsibility for anyone on a Medicaid waiver is to ensure health and welfare so anyone paid to provide Medicaid waiver services *must* report MUIs.

V. When Are MUIs Reported?

Incidents involving Abuse, Neglect, Exploitation, Misappropriation, Death, Prohibited Sexual Relations, and Failure to Report are always reported no matter where they happen or who is involved.

The remaining categories are reported when the individual is with or under the care of their licensed or certified provider or a county board operated or contracted program.

VI. To Whom Are MUIs Reported?

An MUI contact person has been identified at each county board of DD to receive reports of possible MUIs. Incidents may be reported to that person or to any county board of DD employee. For a link of County Board contacts, click below.

County Board MUI Contacts

DODD also has a hotline 1 – 866-313-6733 – which may be used if there are concerns or difficulties in reporting to the county board of DD.

VII. What is the Role of the Provider?

The provider's role is to take immediate actions to protect individuals from further harm when incidents occur in their setting, to report possible incidents to the county board of DD immediately, but no later than 4 hours for abuse, neglect, misappropriation, exploitation, or suspicious death. Notify the police immediately when there is an alleged crime. Report all other MUIs within 24 hours of awareness. Implement preventive measures to reduce the likelihood of similar incidents occurring. The Support Broker and Financial Management Services (FMS) are responsible to take these actions when serving an individual through the SELF waiver.

VIII. What is the Role of the County Board of DD?

When the county board provides services, they must also take immediate actions to protect the person when an MUI occurs in a county board setting. The county board of DD is required to report and investigate MUIs and ensure proper notifications have been made such as law enforcement or the guardian. Investigations, or being asked questions, can feel intimidating. While all MUIs require an investigation, the process is to identify the primary cause and contributing factors in order to prevent future incidents from occurring. County boards contract or employ investigative agents who are certified by the Department. Their only roles are to investigate MUIs and conduct other major unusual incident functions.

IX. What is the Role of the Department?

The Ohio Department of DD provides oversight and technical assistance. *All* MUI reports are reviewed by the Department of DD, MUI/Registry Unit to ensure immediate action, timely reporting, good investigations and necessary implementation of prevention plans. The Department also conducts investigations where it would be a conflict of interest for the county board to complete. In addition, the Department manages the State of Ohio Abuser Registry.

X. Why are Family Members Called for Information?

The Department's system was established to afford protections for all individuals in the DD system, and to identify why something happens to possibly prevent a similar incident from happening again. By looking at individual and aggregate data, we can see trends that can be addressed leading to better protections. These trends may include: lack of access to adequate health care, lack of diagnosis, and lack of assessment of symptoms, and lack of identification of new problems for people with certain syndromes. Reporting helps us to get a better picture of what is happening and enables us to make improvements in the system that benefit everyone

XI. MUI REPORTING FLOW CHART - Incident occurs

Provider's Role (Support Broker and FMS)

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Immediate action to protect health and safety is completed by the provider

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Notifies legal guardian (same day).
(Parents who are not the legal guardians may only be notified with approval by the son or daughter or the legal guardian.)

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Notifies the county board immediately and no later than 4 hours when the allegation is Abuse, Neglect, Misappropriation, Exploitation, Suspicious or Accidental Death.

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Notifies the police/or children's services when there is an alleged crime.

Report is filed by provider to the county board by 3:00 p.m. of the next working day

County Board's Role

Ensures or notifies police if possible crime
and/or
Children's Services Board if suspected abuse or neglect and the person is under 21.

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Notifies county board SSA (same day).

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Notifies the licensed or certified residential provider if the incident happened in the county board program (same day).

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Ensures Legal guardian is notified the same day

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Submits a report on Department's incident tracking system by 3:00 p.m. the next working day following notification.

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Sends a summary letter to legal guardian and residential provider 5 calendar days after the case has been recommended for closure by the county board.

Department of DD's Role

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1. Reviews all initial reports to ensure immediate actions have occurred and notifications were made.

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2. Conducts investigations where it is a conflict for county boards to do so.

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3. Review cases prior to closure to assure appropriate cause/contributing factor identification and prevention plan development

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4. Notifies Ohio Legal Rights and Ohio Department of Job and Family Services via on-line incident reporting system

XII. Definitions - Major Unusual Incidents include:

1. *Physical Abuse* means the use of physical force that can reasonably be expected to Result in physical harm or serious physical harm as those terms are defined in section 2901.01 of the Revised Code. Such force may include, but is not limited to, hitting, slapping, pushing, or throwing objects at an individual.

2. *Sexual Abuse* means unlawful, sexual conduct or sexual contact as those terms are defined in section 2907.01 of the Revised Code and the commission of any act prohibited by section 2907.09 of the Revised Code (e.g., public indecency, importuning, and voyeurism).

3. *Verbal Abuse* means purposefully using words or gestures to threaten, coerce intimidate, harass, or humiliate an individual.

4. *Attempted Suicide* means a physical attempt by an individual that results in emergency room treatment, in-patient observation, or hospital admission.

5. Death means the death of an individual.

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

7. *Failure to Report* means that a person, who is required to report pursuant to section 5123.61 of the Revised Code, 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 indicated abuse (including misappropriation) or neglect of that individual, and such person does not immediately report such information to a law enforcement agency, a county board, or, in the case of an individual living in a developmental center, either to law enforcement or the department. Pursuant to division (C) (1) of section 5123.61 of the Revised Code, such report shall be made to the department and the county board when the incident involves an act or omission of any employee of a county board.

8. *Known Injury* means an injury from a known cause that is not considered abuse or neglect and that requires immobilization, casting, five or more sutures or the equivalent, second or third degree burns, dental injuries, or any injury that prohibits the individual from participating in routine daily tasks for more than two consecutive days.

9. *Law Enforcement* means any incident that results in the individual being charged, incarcerated, or arrested.

10. *Medical Emergency* means an incident where emergency medical intervention is required to save an individual's life (e.g., Heimlich maneuver, cardiopulmonary resuscitation, intravenous for dehydration).

11. *Misappropriation* means depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the Ohio Revised Code, including Chapter 2911. and 2913. of the Revised Code.

12. *Missing Individual* means an incident that is not considered neglect and the individual cannot be located for a period of time longer than specified in the individual service plan and the individual cannot be located after actions specified in a search of the immediate surrounding area; or circumstances indicate that the individual may be in immediate jeopardy; or law enforcement has been called in the search for the individual.

13. *Neglect* means when there is a duty to do so, failing to provide an individual with any
treatment, care, goods, supervision, or services necessary to maintain the health or safety of the individual.

14. *Peer-to-peer acts* means acts committed by one individual against another when there is physical abuse with intent to harm; verbal abuse with intent to intimidate, harass, or humiliate; any sexual abuse; any exploitation; or intentional misappropriation of property of significant value.

15. *Prohibited Sexual Relations* means an DD employee engaging in consensual sexual conduct or having consensual sexual contact with an individual who is not the employee's spouse, and for whom the DD employee was employed or under contract to provide care at the time of the incident and includes persons in the employee's supervisory chain of command.

16. *Rights Code Violation* means any violation of the rights enumerated in section 5123.62 of the Revised Code that creates a reasonable risk of harm to the health or safety of an individual.

17. *Unapproved Behavior Support* means the use of any aversive strategy or intervention implemented without approval by the human rights committee or behavior support committee or without informed consent.

18. *Unknown Injury* means an injury of an unknown cause that is not considered possible abuse or neglect and that requires treatment that only a physician, physician's assistant, or nurse practitioner can provide.

19. *Unscheduled Hospital Admission* means any hospital admission that is not scheduled unless the hospital admission is due to a condition that is specified in the individual service plan or nursing care plan indicating the specific symptoms and criteria that require hospitalization.

To Report an MUI, please call Your County Board MUI Contact Person. For a listing of County Board contacts, please see link below, located on the Department's website.

County Board MUI Contacts

or contact the Ohio Department of DD through

Abuse/Neglect Hotline at (866) 313-6733 or

through the on line reporting system

For other helpful tools and information, please visit the Department's website at

http://dodd.ohio.gov/

Office of MUI/Abuser Registry Unit
1800 Sullivant Avenue
Columbus, Ohio 43222
614-995-3810

The Mission of the Ohio Department of DD is the continuous improvement of the quality of life for Ohio citizens with developmental disabilities and their families.

NOTES: