

MUI Rule Definitions Interpretation

For questions call: 614-995-3810
 For Hotline call: 1-866-313-MRDD (6733)

Revised 8/3/07

MUI means the alleged, suspected or actual occurrence of an incident when there is reason to believe the health or safety of an individual may be adversely affected or an individual may be placed at a reasonable risk of harm.

For persons served by the MRDD system, MUIs are filed in all cases of Abuse, Neglect, Exploitation, Misappropriation, Prohibited Sexual Relations, and Failure to Report. Other categories of MUIs are filed when the incident occurs with an MRDD license or certified provider or in county board operated programs.

TYPE/ DEFINITION	PROBES	EXAMPLES
<p><u>Abuse</u></p> <p>Physical force that can reasonably be expected to result in physical harm or serious physical harm as defined in section 2901.01, through actions that include but are not limited to, hitting, slapping, pushing or throwing objects at an individual.</p>	<p>~The level of force could reasonably result in harm.</p> <p>~Law enforcement is contacted when the situation is an alleged crime.</p>	<p>~The care provider allegedly slaps the individual in the face leaving a red mark.</p> <p>~Staff pulls the individual's arm behind the individual's back, dislocating the individual's shoulder.</p> <p>~The individual was held under water for about a minute.</p> <p>~Staff threw a wooden-handled brush at the individual, hitting the individual's forehead.</p> <p>~A neighbor is seen kicking an individual repeatedly in the back.</p> <p>~Staff roughly pushed the individual against locker, causing the individual to hit his head on the locker.</p> <p>~Teacher noted what appears to be cigarette burns on a 7-year-old individual's shoulder blades.</p> <p>~Staff throws a punch at the individual, the individual ducks the punch.</p>
<p><u>Sexual Abuse</u></p> <p>Unlawful sexual conduct or sexual contact as defined in ORC 2907.01 and the commission of any act prohibited by ORC 2907.09, such as, public indecency, importuning and voyeurism.</p>	<p>~Did the support staff person expose themselves to the individual?</p> <p>~Contact involves touching of an erogenous zone for purpose of arousal or gratification of either person.</p> <p>~Conduct includes oral sex or penetration including digital or with objects.</p>	<p>~The individual alleged an uncle kept touching his "privates."</p> <p>~Staff person is masturbating in front of an individual.</p> <p>~An individual alleges staff made the individual touch the roommate's "private area."</p> <p>~Staff seen stroking the individual's inner thigh in a manner to arouse the individual.</p> <p>~Staff is reported to be fondling individual's breast.</p>
<p><u>Verbal Abuse</u></p> <p>Purposely using words or gestures to threaten, coerce, intimidate, harass or humiliate an individual.</p>	<p>~What was the intent of the words or gestures along with individual's reaction?</p> <p>~What specific words were used?</p> <p>~Were the words threatening, coercive, intimidating, harassing or humiliating to the individual?</p> <p>~Yelling or cursing isn't necessarily verbal abuse.</p>	<p>~The individual alleges that their father threatened to punch him if he did not do the dishes.</p> <p>~Staff threatens to give the individual's dog away if he tells on them for slapping another individual.</p> <p>~Staff reports a co-worker yelling at individuals, swearing and calling them derogatory terms.</p> <p>~Staff reports hearing another staff tell an individual, "If you tell anyone about this, I will throw all of your movies away."</p> <p>~Staff tells the individual, "If you don't go to bed with me, you won't be going to the picnic this weekend."</p>

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<p><u>Misappropriation</u></p>	<p>~ Was there intent to deprive or defraud?</p>	<p>~The individual's bank account shows several unauthorized withdrawals.</p>
<p>Depriving - Defrauding - Obtaining real or personal property of an individual by means prohibited by ORC 2911 and 2913.</p>	<p>~Value of the item does not matter. ~Length of time, if replaced, does not matter. ~Were items or money taken from the individual? ~Does the property belong to the individual? ~Is there reason to believe the money or item was taken?</p>	<p>~The individual's certificates of deposit (CD's) are withdrawn/cashed without individual's knowledge. ~Sister gets a cellular phone with the individual's identification and then runs up bill with personal calls. ~Friend used the individual's ATM card to make unauthorized cash withdrawals. ~Staff eats the T-bone steaks purchased with the individual's funds. ~Staff is seen taking four (4) pairs of jeans out of the individual's closet and placing them in her car. ~There is \$314 unaccounted for when balancing the checkbook. Receipts are missing and the individual denies making or authorizing any purchases; theft is alleged. ~It was discovered someone used the individual's name and SS number to open a credit card account without the individual's knowledge and \$2,199 was charged to the account.</p>

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<p><u>Neglect</u></p> <p>When there is a duty to do so, failing to provide an individual with any treatment, care, goods, supervision or services necessary to maintain health and safety.</p>	<p>~Person has a duty to provide "care" and it is not provided by them or others.</p> <p>~Maintain health and safety means the situation places the person at a <u>reasonable risk of harm</u> based on the circumstances that include but are not limited to, weather conditions, health conditions, behavior concerns, identified risk behaviors, or neighborhood.</p> <p>~Law enforcement contact is required if person is placed at a <u>substantial risk of harm</u> or there is actual harm.</p>	<p>~An individual who runs off when the situation presents itself is left on the van for one minute while staff run back inside to find the keys.</p> <p>~An individual whose seizure disorder is fragile is placed in a warm bath and left while staff go out for a cigarette.</p> <p>~Staff fail to secure an individual's wheelchair in the bus and when the bus stops, the individual tips over resulting in multiple abrasions.</p> <p>~The individual's diet requires all food to be cut into dime-sized pieces and staff gives the individual a slice of pizza.</p> <p>~Individual is left on the bus for 3 hours with the temperature 32 degrees outside.</p> <p>~Individual with eyes-on supervision for aggression against others is left alone in the living room with other housemates while support staff takes a break.</p>
<p><u>Death</u></p> <p>Any cause.</p>	<p>~Person must meet the criteria of being served.</p>	<p>~Individual on the waiver is placed temporarily in a nursing home and dies there.</p>
<p><u>Law Enforcement</u></p> <p>Results in arrest, filing of charges or incarceration.</p>	<p>~Was the individual arrested, charged or incarcerated?</p>	
<p><u>Attempted Suicide</u></p> <p>Actual physical attempt that results in ER treatment, inpatient observation or hospital admission.</p>	<p>~Did the individual make an actual physical attempt to end life?</p> <p>~No harm is required.</p> <p>~In-patient observation at a hospital or hospital admission.</p> <p>~Receives treatment at the ER.</p>	<p>~After the individual stated she was going to kill herself, she stabs herself with scissors and is hospitalized for a puncture wound.</p> <p>~The individual tries to hang himself and is admitted to the psychiatric hospital.</p> <p>~The individual jumps off a fire escape onto the paved road below after threatening to kill himself and is admitted to the hospital with a broken leg.</p> <p>~The individual attempts to commit suicide by swallowing 30 Tylenol pills; her stomach is pumped at the ER and she is released.</p>

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<p><u>Missing Individual</u></p> <p>The individual cannot be located for a period of time longer than specified in the ISP, cannot be located after actions specified in the ISP are taken and a search of the immediate surrounding area is complete or if circumstances indicate immediate jeopardy or law enforcement has been called to assist in the search.</p>	<p>~Rule out neglect.</p> <p>~If LE is contacted to assist in a search, it is an MUI.</p> <p>~Individual not located after actions specified in ISP and search of immediate, surrounding area.</p> <p>~If not needed in ISP, are there other circumstances that make immediate discovery of whereabouts of the individual critical to the health/safety of the individual?</p>	<p>~The individual leaves home after argument with caregivers and does not return home for 2 days.</p> <p>~The ISP allows for 4 hours unsupervised time. John goes out at 1 p.m and has not returned by 6 p.m.; staff do not know where he is.</p> <p>~ISP indicates 24-hour, 7 day per week supervision and the individual cannot be located in the immediate surrounding area.</p> <p>~The individual leaves the residence, whereabouts are unknown. The individual is overdue for time-sensitive medication administration critical to cardiac health problem. (Example for immediate jeopardy.)</p>
<p><u>Medical Emergency</u></p> <p>When emergency medical intervention is required to save an individual's life.</p>	<p>~ Was the medical condition of a sudden onset?</p> <p>~ Were emergency medical interventions given, such as Heimlich, CPR, surgery, resuscitation, IVs? (Note: this does not include first aid)</p> <p>~ Was the emergency medical intervention necessary to prevent the likelihood of death?</p>	<p>~ The individual is on the bus traveling from the workshop to residence and suffers an apparent heart attack; CPR is performed.</p> <p>~Individual is stung by a bee and Epi Pen is administered.</p> <p>~The individual chokes on a hotdog and receives the Heimlich maneuver to clear airway.</p> <p>~The individual complains of severe pain on side, vomiting and difficulty breathing. Individual is transported by EMS to ER and treated with IVs due to dehydration.</p> <p>~An individual with a diagnosed heart condition is taken to the ER for treatment of chest pain and diagnosis confirms a heart attack; the individual receives Nitro tablets.</p> <p>~Individual having multiple seizures taken to ER; Ativan given by IV to stop seizures.</p>
<p><u>Unscheduled Hospitalization</u></p> <p>Any hospital admission that is not scheduled unless it is due to a condition specified in the ISP or nursing care plan indicating the specific symptoms and criteria that require hospitalization.</p>	<p>~Is the hospital admission unscheduled or unplanned?</p> <p>~Is the hospitalization to treat an exacerbation of a previously identified medical condition requiring immediate hospital admission not addressed in the ISP?</p> <p>~If criteria for hospital admission with existing conditions is clearly defined in the ISP, it is not an MUI.</p> <p>~If there is a life threatening event, even with criteria, it is an MUI.</p>	<p>~The individual has a history of high blood pressure, but was hospitalized unexpectedly due to pneumonia.</p> <p>~The individual reports severe pain and is admitted for surgery to remove kidney stones.</p> <p>~The individual has labored breathing and rapid heartbeat and is admitted to the hospital with a diagnosis of pneumonia.</p> <p>~The individual has a history of heart problems with criteria identified in the ISP for when hospitalization is likely; individual has a heart attack.</p> <p>~The individual is lethargic and unsteady, goes to the ER and is hospitalized for a possible medication error.</p>
<p><u>Unknown Injury</u></p> <p>An injury of an unknown cause not considered to be abuse/neglect and requires treatment by a physician, physician assistant or nurse practitioner.</p>	<p>~Unknown and is not abuse or neglect.</p> <p>~Did the injury require treatment only a physician, physician assistant or nurse practitioner can provide?</p>	<p>~The individual sustains a laceration on their left arm that requires 3 stitches and the cause of the laceration is unknown.</p> <p>~The individual is diagnosed with a broken little toe.</p>

<p><u>Known Injury</u></p> <p>An injury from a known cause that is not abuse or neglect and requires immobilization, casting, 5 or more sutures or equivalent, 2nd/3rd degree burns, dental injuries or an injury that prohibits participation in daily tasks for more than 2 consecutive days.</p>	<p>~Known origin (witnessed or as stated by victim) with significant impact.</p> <p>~Results in injuries requiring a total of 5 or more sutures or the equivalent.</p> <p>~Broken bones, regardless of treatment, dislocation, loss of teeth, serious burns, altered level of consciousness from an injury or any other serious injury.</p>	<p>~The individual states he fell down the basement stairs and broke his arm.</p> <p>~The individual sustains a large 2nd degree burn on neck from using a curling iron. Burn is treated by a physician.</p> <p>~The individual sustains a laceration to the head requiring 5 sutures for closure and resulted from a fall observed by staff.</p> <p>~The individual falls, which is observed by staff, and 2 teeth are knocked out.</p> <p>~The individual sprains ankle while playing basketball ; a soft cast is put on for immobilization and individual is ordered by the doctor to stay off foot for 5-7 days</p>
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<p><u>Unapproved Behavior Support</u></p> <p>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.</p> <p>ICFs/MR follow 5123: 2-3-25. All other programs follow the county board administrative rule 5123: 2-1-02.</p>	<p>~Was the used technique prohibited by state or federal regulations?</p> <p>~Behavior support methods used without consent of the individual or legal guardian are MUIs.</p> <p>~Medication must be prescribed for a specific purpose by and under the supervision of a licensed physician who is involved in the ID Team.</p> <p>~Was time out used as a crisis?</p> <p>~ICFs follow 5123: 2-4-25 and file MUIs when there are restraints or aversive interventions not permitted in the rule.</p>	<p>~The individual is physically aggressive at worksite and is locked in a room to calm down.</p> <p>~The individual's arms are strapped to wheelchair on the bus to stop the individual from grabbing others' hair during bus ride.</p> <p>~Workshop nurse gives an individual medication to calm behaviors, but medication was not prescribed for this purpose.</p> <p>~Staff tackle an individual as he runs toward the street.</p> <p>~Staff go directly to a baskethold when verbal prompts are to be used; there is no plan for physical intervention.</p>
<p><u>Rights Violation</u></p> <p>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.</p>	<p>~Did the act create a reasonable risk of harm?</p>	<p>~Staff takes the individual to a movie, he does not want to go, he becomes upset and bangs his head against the wall.</p> <p>~Staff padlocks the refrigerator and the individual sustains a laceration trying to break the lock.</p>
<p><u>Failure to Report</u></p> <p>A person who is required to report, per section 5123.61, and has reason to believe 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 (including misappropriation) or neglect and does not immediately report to LE or a county board.</p>	<p>~May also be a criminal act that needs reported to law enforcement.</p> <p>~Registry: MRDD employee unreasonably failed to report and knew or should have known not reporting would result in a substantial risk of harm for the individual because the individual has been placed back into the situation again.</p>	<p>~Individual at work reports home staff keep hitting his legs with a broom handle. Discoloration and red marks are noted on his calves. Workshop staff do not report and the individual is allowed to go home after work.</p> <p>~A female individual reports another individual with a history of sexual aggression raped her in the back bathroom at the workshop. She returns to workshop the next day without any one reporting the incident.</p>
<p><u>Exploitation</u></p> <p>The unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit or gain.</p>	<p>~Is the individual used in some way for personal benefit, profit or gain?</p> <p>~Was the individual a willing participant?</p>	<p>~Staff has an individual stand outside the mall collecting donations with a bucket stating, "Please help the mentally retarded." At the end of the day, staff pockets the money.</p> <p>~A "friend" has an individual co-sign for a loan even though the individual doesn't understand what he/she is signing for.</p> <p>~Staff take an individual to their home and have him move furniture all day. The individual receives no compensation and states he didn't want to be there at all.</p>

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<p><u>Peer to Peer Acts</u></p> <p>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.</p>	<p>~Ensure that harm or risk is not due to Neglect by staff (NOTE: Neglect does not apply to a person without duty of care such as a peer).</p> <p>~Was there enough physical force to result in harm and did the individual plan or mean to hurt the other?</p> <p>~Law enforcement is to be contacted anytime the situation reaches the level of an alleged crime.</p> <p>~Misappropriation of \$10.00 or more or an item of significant value to the individual.</p> <p>~Was there unlawful sexual conduct or contact?</p>	<p>~Individual threatens housemate if they come out of their room, they will get a beat down (individual has a history of physical abuse).</p> <p>~Individual goes into peer's bedroom, uses a screwdriver to open the lock box kept under the peer's bed and takes \$32.31 from the lock box.</p> <p>~Individual with a BSP for physical abuse tells a peer to go get him a soda or he'll beat him up. When peer states, "you're not my boss," individual punches peer in the face before staff can intervene. Victim has a bloody nose.</p> <p>~Individual keeps touching a female individual's breasts despite her telling him to stop.</p> <p>~Individual is mad at his housemate, when he sees him walk by, he runs over and slams him into the wall.</p>
<p><u>Prohibited Sexual Relations</u></p> <p>An MR/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 MR/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.</p>	<p>~Note: Any sexual contact between a provider and a consumer receiving services from that provider is an MUI if the provider is not the individual's spouse"</p>	