

2024 MUI Annual Training

MCBDDS Provider



MONTGOMERY
C O U N T Y

**Board of
Developmental
Disabilities
Services**

OAC 5123:17-02 = MUI Rule

Addressing Major Unusual Incidents and Unusual Incidents to Ensure Health, Welfare and to provide specific requirements for Continuous Quality Improvement within the DD system

County Board IAs investigate all MUIs filed with ODODD

- MUI Rule specifies requirements:
 - Identification and reporting of health and welfare risks
 - Investigation to determine cause and contributing factors
 - Reduction/Prevention of incident reoccurrence
- UI level incidents require **Provider** to investigate the incident
 - Identification and reporting of health and welfare risks
 - Investigation to determine cause and contributing factors
 - Reduction/Prevention of incident reoccurrence
- **MUI Rule applies to all Served Individuals receiving DD services**

Is it a MUI or a UI?



- **Major Unusual Incidents (MUI):**
 - Alleged, suspected, or actual occurrence of an incident
 - When there is reason to believe the incident has occurred
 - The incident must present a **reasonable risk of harm** that adversely and directly affects or creates a reasonable risk of harm to the Individual's health or welfare
- **Unusual Incidents (UI):**
 - Event or occurrence that is not consistent with routine operations, policies and procedures or the individual's care plan
 - **NO or LIMITED** reasonable risk of harm to any Individual's health, safety, or welfare therefore Provider investigates non-MUI incidents

Mandate to Report Abuse and Neglect

ORC 5123.61 *Mandated Reporters*

- ORC specifies reporters to be:
 - Professional in community such as teachers, physicians, social workers, law enforcement officers, etc. must report abuse, neglect and misappropriation

All DD employees must report

- Abuse
- Neglect
- Misappropriation/Exploitation
- All other MUIs listed in the Rule

MUI Definitions

CATEGORY A MUIs

Accidental Deaths

Choking, drowning, fire, fall, motor vehicle accident, and/or suspicious death

Physical Abuse

Use of physical force that causes physical harm **or** reasonably expected to result in possible physical harm

Hitting, slapping, punching, pushing or kicking

Throwing objects at an individual

Verbal Abuse

Using words, gestures or other communicative means to **purposely** threaten, coerce, intimidate, harass or humiliate

Does not include words or tone of voice that are just loud, inappropriate or rude in nature

Sexual Abuse

Unlawful sexual **conduct** = Intercourse or other penetration, oral sex

Unlawful sexual **contact** = Touching of erogenous zone (genital, buttocks, etc.)

Unlawful = No consent, unable to consent

Act done for purposes of sexual arousal or gratification

CATEGORY A MUIs

Neglect

Failing to provide medical care, personal care, or other support that consequently results in serious injury or places an Individual or another person at risk of *serious injury* when there is a duty to do so

Serious Injury that results in treatment by a physician, physician assistant, or nurse practitioner

Prohibited Sexual Relations

ANY DD service employee engaging in

- Consensual sexual conduct or sexual contact

With an individual not their spouse

While employed or under contract to provide services to the individual.



CATEGORY A MUIs



Misappropriation

Theft of money or personal property including medication

Value or replacement of loss does not matter

Does not include lost or misplaced property or money

Examples:

- Unauthorized Bank account withdrawals
- PPI writing unauthorized checks from individual's account to themselves or made out to CASH
- General stealing what belongs to the individual

Exploitation

Unlawful or improper act of using an individual or his/her resources for

Monetary or personal benefit, profit or gain of alleged PPI

Examples: *Taking advantage of....*

- Identity theft
- Fraudulently filing taxes
- Having individual co-sign a car loan for DD service employee

Failure to Report (FTR)



When a DD employee does not IMMEDIATELY:

Report abuse, neglect, misappropriation or exploitation to MCBDDS MUI Reporting Line or law enforcement when the employee **has reason to believe** an individual suffers or risks suffering

Any wound, injury, disability as a result of the abuse, neglect, misappropriation or exploitation

CATEGORY A MUIs

Systemic Neglect

Substantiated Category A MUI attributed to multiple variables



Rights Code Violation

Violation of any of the rights in ORC 5123.62

Must create a reasonable and likely risk to health and welfare

CATEGORY B MUIs

Peer-to-Peer Acts

Exploitation

Unlawful or improper act of using an individual or their resources for monetary or personal benefit, profit or gain

Misappropriation (Theft)

Intentional theft of another individual's money or property

\$20+ or property of significant personal value

Physical Abuse

Physical act which means a physical altercation

Results in examination or treatment by a physician, physician assistant, or nurse practitioner; or

Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion, or biting which causes breaking of the skin; **or**

Results in an individual being arrested, incarcerated, or the subject of criminal charges

Verbal Abuse

Using words, gestures or other communicative means to **purposely** threaten, coerce, intimidate, harass or humiliate

Opportunity **AND** means to carry out the verbal threat

Sexual Abuse = Conduct or Contact = No consent, unable to consent; act done for purposes of sexual arousal or gratification

CATEGORY B MUIs

Non-accidental Deaths (medical)
Examples: cancer, kidney disease

Attempted Suicide

Physical attempt

Which results in either:

- Emergency room treatment for an injury
- In-patient observation or hospital admission

Significant Injury

Known or unknown cause that results in:

- Concussion
- Broken bone
- Dislocation
- Second or third degree burn
- Casting or immobilization
- 5 or more sutures/stitches

CATEGORY B MUIs

Medical Emergency

Emergency medical intervention required to save an individual's life

- Use of an automated external defibrillator
- Use of an Epi Pen
- CPR
- Any choking relief techniques (such as back blows or Heimlich maneuver)

Missing Individual

Individual whose whereabouts are unknown after immediate measures are taken and

Is believed to be at risk or pose a risk to others

CATEGORY C MUIs

Law Enforcement Involvement

Served Individual is:

Arrested, charged, incarcerated or has been tazed by LE

Unapproved Behavioral Support

Use of a prohibited intervention or an aversive strategy implemented **without**

Adhering to the Behavior Support Strategies which are interwoven into the ISP

Informed consent of the individual or guardian

Includes:

Physical, chemical, mechanical restraints or use of a time-out



CATEGORY C MUIs



Unanticipated Hospitalization

Any hospital admission or hospital stay **over twenty-four hours** that is not pre-scheduled or planned

Medical or psychiatric

Must be - start to finish - **OVER** 24 hours at the hospital to be a reportable MUI

A visit/stay in the Emergency Room **less than** 24 hours still remains at the UI level

““

The main thing is to keep the main thing, the main thing.



Mandated Reporting in the DD System

The following MUI incidents must be reported regardless of where or when the incident occurred

All deaths

Attempted suicide

Misappropriation and exploitation

Failure to report

Law enforcement

Missing individual

Neglect

Physical, sexual and verbal abuse

Prohibited sexual relations

Mandated Reporting in the DD System

The following incidents are reportable **only if they occur while**

- the individual is being served by a licensed/certified provider
- **or** wherever the incident occurs if the individual is a resident of an ICF or receives round-the-clock waiver services

Medical emergency;

Rights code violation;

Significant injury;

Unapproved behavioral support;

Unanticipated hospitalization

Mandated Reporting (continued)

Notify the Law Enforcement agency having jurisdiction where the incident occurred for *all incidents of*:

Physical, sexual and verbal abuse

Misappropriation and exploitation

Neglect

Failure to Report

Reporter must document the time, date and name of agency and person contacted

Notify Children's Services (937-224-KIDS) for all allegations of abuse and neglect of individuals under the age of 21

Documented with a call reference number

*****ALL ABOVE to be completed BEFORE reporting the incident to MCBDDS**

Mandated Reporting (continued)

Verbal report to the MCBDDS Reporting Line **937-457-2765**

- 4 hour reporting for the following MUIs:
 - ✓ Accidental or suspicious death
 - ✓ Misappropriation and Exploitation
 - ✓ Neglect
 - ✓ Physical, Sexual and Verbal Abuse
 - ✓ Peer to peer incidents

All other MUIs must be reported to the Reporting Line by 3:00 PM the next working day

Submit the associated written incident report for all MUIs by 3:00 PM the next working day to mui@montgomerydds.org

MUI Notifications

If the incident occurred or is discovered **while the provider has responsibility** for the individual...

Additional notifications must be made the same day the incident was discovered

- Guardian or other person the individual has identified
- Service & Support Administrator (SSA)
- Licensed/certified residential provider
- Staff or family living at the individual's residence who have responsibility for the individual's care

NOTE: No notification if the person to be notified is the alleged PPI or the notification would jeopardize health and welfare

- In peer-to-peer incidents notification for both victim(s) and the second peer (s) must be made to their:

guardian/advocate

residential provider/other who have care in the home

All notifications must be documented

MUI Immediate Steps for Health/Welfare

All parties involved in the incident occurrence must:

- Take all reasonable measures to ensure health and welfare of at-risk individuals such as:
 - Immediate and ongoing medical care
 - Removal of an employee (alleged PPI) from direct contact with **ANY** individual when the employee is alleged to have been involved in either
 - **Physical Abuse or Sexual Abuse**
 - Until such time the **Provider** has reasonably determined such removal is no longer necessary
 - Not a CB decision – Provider decision

NOTHING precludes any employer from removing an employee if they believe it is appropriate or necessary (i.e. cases of alleged verbal abuse, neglect, & misappropriation)

All Steps taken must be documented in incident report form

Unusual Incidents

- Event or occurrence that is **not** consistent with routine operations, policies and procedures or the individual's care plan
 - Dental injuries
 - Falls
 - Injury that is not an MUI
 - Medication error with no risk to health/welfare
 - Overnight relocation
 - Peer-to-peer that is not an MUI
 - Rights code with no risk to health/welfare
 - Unapproved behavioral support with unlikely risk to health/welfare
 - Missing individual that does not result in imminent risk to the individual or others

AND.....

Program Implementation UI

An **Unusual Incident** involving the failure to carry out a person-centered plan when such failure **causes minimal or no risk**

Examples include, but are not limited to:

- Failing to provide supervision for short periods of time
 - Automobile accidents without harm
 - Self-reported incidents with minimal risk

AND.....

Unusual Incidents

Per Rule - Provider must investigate all UIs

Staff must be trained on:

- UI categories
- Person to whom UIs are to be reported
- Reports need to be completed no later than 24 hours after the occurrence

Notify, the same day the incident is discovered

- Licensed/certified provider
- Guardian
- Other person at individuals residence
- Determine cause and contributing factors
- Develop and implement preventive measures

Provider investigate all UIs! And have UI Logs available upon request from the CB MUI Department

Rights of Individuals with DD

Enumerated in [ORC 5123.62](#)

- Dignity, Respect and Freedom from Abuse, Neglect, and Restraint
 - [Positive Culture Initiative](#)
- Autonomy, Self-Determination, Decision-Making, Advocacy, Money Management
 - [Person Centered Thinking/Planning \(PCT/P\); Free Choice of Provider; Consent](#)
- Privacy and Confidentiality
 - [Montgomery DD Policies/Procedures](#)

MUI Contact Information

Bonnie Demopoulos, MUI Director

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Dayton, OH 45420

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Current Reporting Line for Reportable MUIs 937-457-2765

Current email address to submit Incident Reports in conjunction with the verbal Reporting Line call:

mui@montgomerydds.org

Current UI email address to submit non- MUI Unusual Incident Reports:

ui@montgomerydds.org



THANK YOU

