



## **MUI Rule Training for Direct Service Professionals**

# ***Purpose of Training***

***This training is intended for Direct Service Professionals and covers the following topics:***

- ***MUI Rule Definitions***
- ***Reporting Requirements***
- ***Abuser Registry***

# ***What is O.A.C. 5123:2-17-02?***

*The MUI Rule establishes the requirements for addressing major unusual incidents and unusual incidents and implements a continuous quality improvement process in order to prevent or reduce the risk of harm to individuals.*

# ***Unusual Incidents Requirements***



# ***UI Definition***

"Unusual incident" means an event or occurrence involving an individual that is not consistent with routine operations, policies and procedures, or the individual's care or service plan, but is not a major unusual incident.

Unusual incident includes, but is not limited to: dental injuries; falls; an injury that is not a significant injury; medication errors without a likely risk to health and welfare; overnight relocation of an individual due to a fire, natural disaster, or mechanical failure; an incident involving two individuals served that is not a peer-to-peer act major unusual incident; and rights code violations or unapproved behavior supports without a likely risk to health and welfare.

# ***Who Must Write Incident Reports?***

Any person who provides any type of service to an individual with developmental disabilities includes, but is not limited to:

- Direct Care Staff (residential & workshop)
- SSAs
- Bus Drivers/Bus Monitors
- Job Coaches
- Work Supervisors
- Nurses
- Volunteers

# ***Requirements of an Incident Report***

- *Name of Primary Person Involved-PPI (Alleged Perpetrator) and his or her relationship to the individual;*
- *Names of witnesses;*
- *Statements completed by persons who witnessed or have personal knowledge of the incident;*
- *Notifications with name, title, and time and date of notice;*
- *Further medical follow-up; and*
- *Signature and name of person completing the incident report.*

# *Immediate Actions*

*Always document what actions were taken following the incident*

- Assessed for injuries
- Called 911
- Initiated first aid
- Separated the individuals
- Notified law enforcement
- Notified the county board/IA





# ***MUI Means...***

*The alleged, suspected, or actual occurrence of an incident when there is reason to believe the health or welfare of an individual may be adversely affected or an individual may be placed at a likely risk of harm, if such individual is receiving services through the developmental disabilities service delivery system or will be receiving such services as a result of the incident. There are three categories of major unusual incidents that correspond to three administrative investigation procedures delineated in appendix A, appendix B, and appendix C to this rule.*

## ***Key Points:***

- Alleged, suspected or actual occurrence***
- Reason to believe a person is at risk of harm based on facts present not opinion***
- Receiving services or will be as a result of incident***

# *Physical Abuse*

- Physical force
- Reasonably be expected to result in harm

***Examples:** Hitting, slapping, pushing, dragging or throwing an object when the allegation indicates that it could reasonably result in harm.*

# ***Verbal Abuse***

Verbal abuse which means the use of words, gestures, or ***other communicative means*** to threaten, coerce, intimidate, harass or humiliate an individual.

# *Sexual Abuse*

- Unlawful sexual contact
- Unlawful sexual conduct
- Public indecency, voyeurism, importuning, etc.

# *Misappropriation*

- With intent
- Deprive, defraud, or otherwise obtain real or personal property
- As prohibited in Ohio Revised Code 2911 and 2913

# *Neglect*

- A duty
- Failing to provide treatment, care, goods, supervision or services
- Necessary to maintain the health or welfare of the individual
- What is Reasonable Risk? Harm more likely than not could occur

# *Neglect*

- Failing to provide supervision made up **65%** of all substantiated neglect cases.
- Failing to provide treatment was **35%** of all substantiated 2014 cases.

## ***What is Systems Neglect?***

*When a individual is neglected and the neglect is not the result of a particular person/people, a system neglect is identified. A systems issues is a process that involves multiple components playing a role in the neglect.*

# ***Causes & Contributing Factors Supervision Neglects***

Supervision Levels are not met by:

- Scheduling Problems; Impaired Staff
- Employee-No Shows, Planned sleeping and/or leaving
- Not following supervision levels (i.e., community, mealtimes).
- No training or lack of training on supervision levels (1:1, 24-7 eyes on, etc.) Risk of Harm?



# ***Causes & Contributing Factors Treatment Neglects***

- Criminal activity – not feeding/medication
- Medical attention – will not call 911
- Dietary Texture and pacing while eating
- Failure to follow ISP
- Failure to follow Doctor's orders
- Lack of training on treatments (i.e., turning schedule, monitoring treatments).

# ***Medical Emergency***

Medical emergency. "Medical emergency" means an incident where emergency medical intervention is required to save an individual's life

*Examples include: choking relief techniques such as back blows or cardiopulmonary resuscitation, epinephrine auto injector usage, or intravenous for dehydration.*

# ***Significant Injury***

*Significant injury means an injury of known or unknown cause that is not considered abuse or neglect and that results in concussion, broken bone, dislocation, second or third degree burns or that requires immobilization, casting, or five or more sutures. Significant injuries shall be designated in the incident tracking system as either known or unknown cause.*

- *Replaces known and unknown injury MUIs*

# ***Attempted Suicide***

Physical attempt that:

- Results in ER treatment or
- Inpatient observation or
- Hospital admission

**In 2014, there were 106 attempted suicides reported and 0 individuals died as a result.**

**Take any suicidal talk very seriously. It's not just a warning sign that the person is thinking about suicide — it's a cry for help.**

# *Death Definitions*

- Accidental or suspicious death. "Accidental or suspicious death" means the death of an individual resulting from an accident or suspicious circumstances (Category A)
- Death other than accidental or suspicious death. "Death other than accidental or suspicious death" means the death of an individual by natural cause without suspicious circumstances (Category B)

# ***Exploitation***

- Unlawful or improper act
- Using individual
- Individual's resources for personal benefit, profit, or gain

*There were 128 allegations of exploitation and 60 substantiations in 2014.*

# ***Failure to Report (Registry)-2014***

- Developmental Disabilities employee unreasonably failed to report Abuse or Neglect
- Knew or should have known
- Failure would result in a substantial risk of harm

*In 2014, there were 157 allegations  
and 99(63%) substantiated*

# ***Law Enforcement***

**Individual is:**

**Charged (C)**

**Incarcerated (I)**

**Arrested (A)**



***In 2014, there were 970 MUIs filed for Law Enforcement events with individuals served.***



# ***Missing Individual***

An incident that is not considered neglect and an individual's whereabouts after immediate measures taken are unknown and the individual is believed to be at or pose an **imminent risk of harm to self or others.**

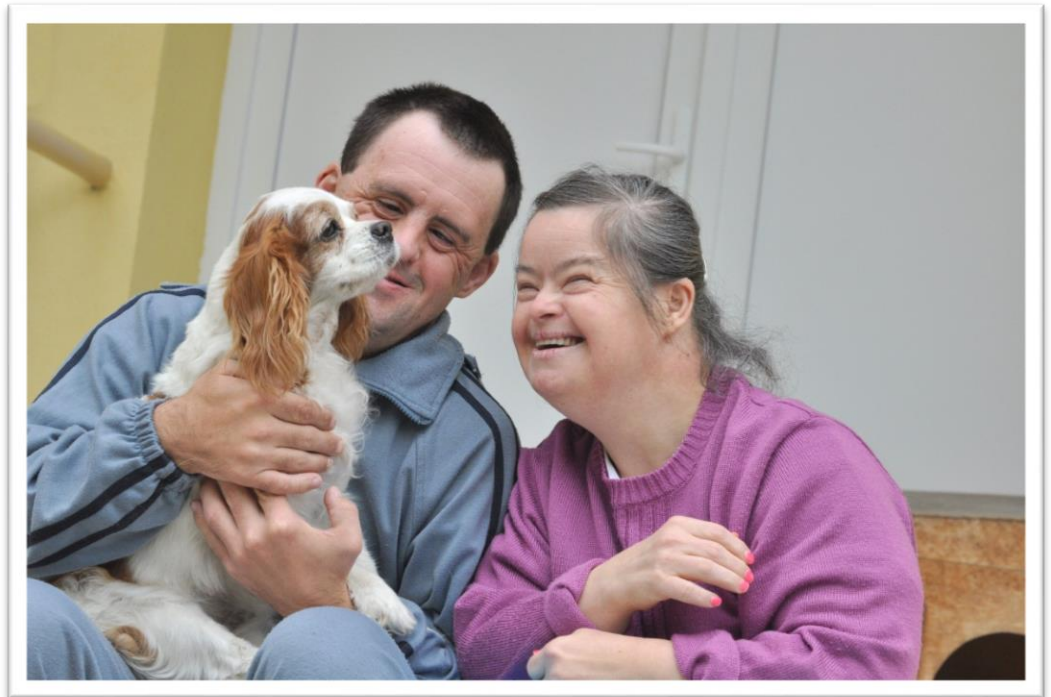
An incident when an individual's whereabouts are unknown for longer than the period of time specified in the individual's service plan that does not result in imminent risk of harm to self or others shall be investigated as an unusual incident.

***In 2014, there were 379 MUIs filed for Missing Individuals***

# *Peer to Peer Acts*

Peer-to-peer act. "Peer-to-peer act" means one of the following incidents involving two individuals served:

- *Exploitation*
- *Theft*
- *Physical Act*
- *Sexual Act*
- *Verbal Act*



***In 2014, there were 1470 MUIs filed for Peer to Peer Acts.***

# ***Peer to Peer Act Definitions***

- Exploitation which means the unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.
- Theft which means intentionally depriving another individual of real or personal property valued at *twenty dollars or more or property of significant personal* value to the individual.

# ***Peer to Peer Act Definitions***

*Physical Act that occurs when an individual is targeting, or firmly fixed on another individual such that the act is not accidental or random and the act results in an injury that is treated by a physician, physician assistant, or nurse practitioner. Allegations of one individual choking another or any head or neck injuries such as a bloody nose, a bloody lip, a black eye, or other injury to the eye, shall be considered major unusual incidents.*

*Minor injuries such as scratches or reddened areas not involving the head or neck shall be considered unusual incidents and shall require immediate action, a review to uncover possible cause/contributing factors, and prevention measures.*

# ***Peer to Peer Act Definitions***

Sexual Act which means sexual conduct and/or contact for the purposes of sexual gratification without the consent of the other individual.

Verbal Act which means the use of words, gestures, or other communicative means to purposefully threaten, coerce, or intimidate the other individual when there is the opportunity and ability to carry out the threat.

# ***Prohibited Sexual Relations***

- Developmental Disabilities employee
- Consensual sexual conduct or contact
- With an individual who is not their spouse
- Employed or under contract to provide care to the individual at the time of the incident
- Anyone in the Developmental Disabilities employee's supervisory chain of command

*22 Allegations and 3 Substantiated Cases (14%) in 2014*

# ***Rights Code Violation***

"Rights code violation" means any violation of the rights enumerated in section 5123.62 of the Revised Code that creates a likely risk of harm to the health or welfare of an Individual.

*71 Allegations of Rights Code Violation and 39 Substantiated Cases (55%)*

# ***Unapproved Behavior Support***

*Unapproved behavior support. "Unapproved behavior support" means the use of an aversive strategy or intervention prohibited by paragraph \*(J) of rule 5123:2-1-02 of the Administrative Code or an **aversive strategy** implemented without approval by the human rights committee or behavior support committee or without informed consent, that results in a likely risk to the individual's health and welfare. **An aversive strategy or intervention prohibited by paragraph (J) of rule \*5123:2-1-02 of the Administrative Code that does not pose a likely risk to health and welfare shall be investigated as an unusual Incident.***

*\*Replaced with Rule 5123:2-2-06 (Effective January 1, 2015)*





# Behavioral Support Strategies Rule

## *What's different with new rule*

- *Limits use of restrictive measures*
- *Applies to CBDDs, ICFs, supported living and HCBS providers alike*
- *Requires behavior support strategies to be incorporated into IP/ISP*
- *Outlines who can conduct assessments and develop strategies*
- *Establishes new requirements for human rights committees*
- *There are times medical interventions that are restrictive in nature are used as intended to treat a medical condition, and those are the same medical interventions that would be used to treat anyone with that medical condition (i.e., splints to help with contractures). Those would not be subject to this rule. There are times medical interventions are used as behavioral interventions (i.e., splints to immobilize arms so someone cannot hit/scratch/etc.). Those are subject to this rule.*

-Use of restrictive measure without HRC approve must be reported as an "unapproved behavior support"

-UI or MUI

Was health/welfare adversely affected or was there a risk of harm?

-You should still intervene in a crisis to ensure health/safety.

## Reporting of Unapproved Behavior Supports

# ***Unscheduled Hospitalizations***



*Unscheduled hospitalization. "Unscheduled hospitalization" means any hospital admission that is not scheduled unless the hospital admission is due to a pre-existing condition that is specified in the individual service plan indicating the specific symptoms and criteria that require hospitalization.*

# (D) Reporting Requirements



# **(D)(4) Upon Identification or Notification of MUI, Provider or County Board Shall:**

Take immediate actions to protect all at risk individuals which shall include:

- a. Immediate or ongoing medical attention as appropriate
- b. Removal of an employee from direct contact with any at-risk individual when the employee is alleged to have been involved in abuse or neglect until such time as the provider has reasonably determined that such removal is no longer necessary;
- c. Other measures as necessary

The Department shall resolve any disagreements

## **(D)(5) County Board Upon Notification Shall:**

- Ensure reasonable measures are appropriate
- Determine if additional measures are needed
- Notify the Department if circumstances in Paragraph (I)(1) of this rule are present requiring a Department directed investigation

## **(D)(6) Immediate to 4 Hour Reporting**

Provider or county board as a provider, using county board identified system for MUIs, should report incidents or allegations of:

- (a) Accidental or suspicious death;
- (b) Exploitation;
- (c) Misappropriation;
- (d) Neglect;
- (e) Peer-to-peer act;
- (f) Physical abuse;
- (g) Sexual abuse;
- (h) Verbal abuse; and
- (i) When the provider has received an inquiry from the media regarding a major unusual incident.

## (E) Alleged Criminal Acts

*The provider shall immediately report to the law enforcement entity having jurisdiction of the location where the incident occurred, any allegation of exploitation, failure to report, misappropriation, neglect, peer-to-peer act, physical abuse, sexual abuse, or verbal abuse which may constitute a criminal act. The provider shall document the time, date, and name of person notified of the alleged criminal act. The county board shall ensure that the notification has been made.*





**Abuse/Neglect Hotline**  
**1-866-313-6733**