

Medina County Board of DD

MUI Rule Overview

What is a Major Unusual Incident?

- Official Definition: The alleged, suspected, or actual occurrence of an incident as described in paragraph (C) (16) (a), (C) (16) (b), or (C) (16) (c) of this rule when there is reason to believe the incident has occurred. There are three categories of major unusual incidents that correspond to three administrative investigation procedures delineated in appendix A, appendix B and appendix C.

Types of MUIs

- There are three categories of MUIs which correspond to three different types of investigation protocols that an Investigative Agent (IA) must file:
 - Category A
 - Category B
 - Category C

Category A MUIs

- The findings of an MUI Category A investigation are required to meet a preponderance of evidence (51%) standard. Therefore, substantiation of a Category A incident means that more likely than not, the incident occurred.
- Category A investigations can often be led by outside entities like Law Enforcement, Children's Services, Ohio Department of Health, etc.

Category A MUIs

- Category A Investigations include:
- Abuse Categories (Physical, Sexual, Verbal)
- Accidental/Suspicious Death
- Exploitation
- Failure to Report
- Misappropriation
- Neglect
- Prohibited Sexual Relations
- Rights Code Violations

Physical Abuse

- Physical force that can reasonably be expected to result in harm (does not have to actually result in harm.)
- Examples
- An individual is slapped across the face by a family member, leaving a mark on the individual's face.
- Staff drags an individual across carpeting to force him back into his room, causing several rug burns.

Sexual Abuse

- Unlawful sexual conduct or contact with an individual served, including public indecency, importuning, and voyeurism.
- Conduct = Sexual penetration
- Contact = The touching of an erogenous zone
- Public Indecency = Anything prohibited to do in public (i.e. indecent exposure)
- Voyeurism = Being sexual gratified by watching others
- Importuning = Begging or harassing an individual (usually a minor) with persistence to engage in a sexual act

Verbal Abuse

- The use of words, gestures, or other communicative means (i.e. texts, emails, etc.) to threaten, coerce, intimidate, harass, or humiliate an individual.
- Examples
- Staff threatens to beat up an individual if she tells anyone he broke the rules.
- Staff calls an individual a “stupid retard” because he refused to wash the dishes after dinner, causing the individual to flee the room in tears.
- An individual receives a text message from a neighbor threatening to “burn the house down while you sleep.”

Accidental/Suspicious Death

Means the death of an individual resulting from an accident or suspicious circumstances

Examples:

- Choking
- Drowning
- Drug Overdose
- Fall
- Motor Vehicle Accident
- Suicide
- Homicide

Exploitation

The unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.

Examples:

- A staff person takes two individuals to his home and has them wash his cars without paying them anything.
- An individual's sister asks her to put her children on the individual's tax return, and then asks for the money she receives from the tax exemption.
- Staff has an individual collect donations in the community for Special Olympics, and then staff pockets the money.

Failure to Report

- A person who is required to report per the Revised Code has reason to believe an individual has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such nature as to reasonably indicate abuse, misappropriation, or exploitation that results in a risk to health and welfare, or neglect of that individual, and such person does not immediately report such information to a law enforcement agency or a county board.
- This includes information received while not being a paid provider or at work.
- This does not mean when staff fail to report an injury, unapproved behavior support, or unscheduled hospital admission.

Examples of Failure to Report

- Multiple staff witness a home manager physically intimidate, berate, and humiliate individuals in the group home, and fail to tell anyone for fear of retaliation.
- An individual reports to day program staff that his roommate hits him and threatens to “beat me up.” The staff tells nobody, and the individual is taken to the hospital two days later after being punched in the face by the same roommate.

Misappropriation

Depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited in the Revised Code.

Examples:

- An individual leaves his iPod in one of the rooms at the day program, and returns to find it missing later in the day.
- Staff uses an individual's food stamps to purchase several items for herself.
- An individual's pain medication is stolen from the locked cabinet at the group home.

Neglect

- Definition: When there is a duty to do so, failing to provide an individual with 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. Serious injury means an injury that results in treatment by a physician, physician assistant, or nurse practitioner.

Examples of Neglect

- Neglect of Supervision (Risk of harm)
- Staff leaves high risk individuals alone in a group home for a half hour while the staff goes to get food for himself.
- An individual who requires 2:1 staffing for health and safety reasons is left alone with a staff person for 2 hours.
- Individual with significant medical needs and no alone time is dropped off by transportation staff with no staff waiting for her in the home.

Examples of Neglect

- Neglect of Treatment (Risk of harm)
- Staff fail to fill a prescription for an individual following a medical appointment, resulting in an infection.
- An individual is showing signs of lethargy, slurring speech, and difficulty breathing at work. Staff decide to wait an hour to notify the nurse or contact 911 and individual goes in cardiac arrest.
- An individual is on a mechanical soft diet, and staff fail to cut his food into appropriate size bites, resulting in an incident of choking.

Prohibited Sexual Relations

A DD employee engaging in consensual sexual conduct or contact with a developmentally disabled individual who is not their spouse.

Examples:

- An individual reports that he is in love with his group home manager and states that they have been having sex.
- An individual shows staff a text received from another staff person with pictures of his genitalia. The staff person is asking the individual in the text if he is a “good lover.”

Rights Code Violations

Any violation of an individual's rights which creates a likely risk of harm to the health and welfare of the individual.

Examples:

- Staff took the cell phone away from an individual because she did not approve who he was talking to. As a result, the individual kicked the wall and fractured his foot.
- Staff forces an individual to go to a movie he does not want to see, and that individual bangs his head against the wall in response and requires treatment.

Category B MUIs

These include the following categories:

- Attempted Suicides
- Medical Emergencies
- Missing Individuals
- Non-Suspicious/Natural Deaths
- Significant Injuries
- Peer to Peer Acts

Peer to Peer Acts

- Peer to Peer Act means one of the following incidents involving two individuals served:
- Exploitation: Unlawful or improper act of one individual using another individual or their resources for monetary gain, personal benefit, or profit.
- Theft: Intentional theft of another individual's money or property – Must be \$20.00+ or property of significant value.
- Verbal Abuse: Using words, gestures, or other communicative means to purposely threaten, coerce, or intimidate another individual, when the individual doing so has the opportunity and means to carry out the verbal threat.

Peer to Peer Acts

- Peer to Peer Act means one of the following incidents involving two individuals served:
- Sexual Act: Sexual conduct or contact without consent or without ability to give consent and for the purposes of sexual gratification.
- Physical Act: A physical altercation that results in examination or treatment. Involves strangulation, bloody nose, bloody lip, black eye, a concussion, or biting which causes breaking of the skin or results in an individual being arrested, incarcerated or subject of criminal charges.

Attempted Suicide

- This involves an individual's physical attempt at suicide which results in one of the following outcomes:
 - ER Treatment
 - Inpatient Observation
 - Hospital Admission
- Take any suicidal talk or gestures seriously, as they are a cry for help!

Medical Emergencies

Any incident where emergency medical intervention is required to save an individual's life.

Examples:

- Use of back blows and/or Heimlich (abdominal thrusts) during a choking type incident
- Use of an Epi-Pen following a bee sting
- CPR/Defibrillator

Missing Individual

- An incident that is not considered neglect and an individual's whereabouts, after immediate measures are taken, are unknown and the individual is believed to be at imminent risk of harm to self or others
- Some imminent risk factors include, but are not limited to:
 - History of sexual offending
 - Dementia
 - Mental health concerns
 - History of aggression towards others
 - Poor pedestrian skills
 - Inclement weather
- Law Enforcement is notified to assist in search/location

Non-Suspicious/Natural Deaths

The death of an individual from natural causes, without any suspicious circumstances.

Examples:

- An individual has been hospitalized for multiple illnesses and is placed into hospice care where he eventually passes away.
- An individual is hospitalized for severe pneumonia, and is discharged back home after receiving treatment. Four days later, the individual returns to the hospital with recurrent pneumonia symptoms, and passes away while in hospital care.

Significant Injuries

- An injury to an individual of known or unknown cause that is not considered abuse/neglect and results in one of the following conditions:
 - Concussion
 - Broken Bone
 - Dislocation
 - Second or Third Degree Burns
 - Requires immobilization or casting
 - Five or more sutures

Category C MUIs

Category C MUI's involve the team reviewing relevant documentation/information and the SSA filling out the Category C form for an IA to review.

These include the following categories:

- Law Enforcement (Charged, Incarcerated, Arrested)
- Unapproved Behavior Support
- Unanticipated Hospitalization

Law Enforcement

- Definition: Any incident that results in an individual served being arrested, charged, or incarcerated. Incidents that result in an individual tased by law enforcement will also require an MUI report to be filed.
- Law Enforcement MUI's are now filed regardless of whether or not a provider is present at the time of the incident.

Unapproved Behavioral Support

- Definition: The use of an aversive strategy or intervention prohibited by the Ohio Administrative Code or an aversive strategy implemented without approval by human rights committee or behavior support committee or without informed consent, that results in a likely risk to the individual's health and welfare.
- These involve the use of physical, chemical, or mechanical restraints, as well as the use of time out.
- Per DODD, any hands on intervention utilized to stop an individual's behavior is considered an unapproved behavior support.

Examples of Unapproved Behavior Supports

- An individual's arms are strapped to his wheelchair on the bus, in order to stop him from pulling hair.'
- Staff holds an individual's hands down with resistance to keep the individual from engaging in SIB.
- Staff hold an or tindividual's bedroom door to keep him in the room until he calms down.
- Staff give an individual a dose of PRN Ativan without following the orders.
- Any restraint which exceeds the length of time approved in the BSP is an MUI.

Unanticipated Hospitalization

Any hospital admission or stay over 24 hours that is not planned, unless that admission is due to a pre-existing condition which is clearly specified in the ISP.

Examples:

- After being in severe pain, an individual is taken to the hospital and admitted to have surgery to remove kidney stones.
- Following symptoms of rapid heartbeat and labored breathing, an individual is taken to the hospital and admitted with a diagnosis of pneumonia
- An individual appears lethargic, and is taken to the hospital and kept for observation over 24 hours.

MUI Categories that need reported for those with a 24/7 DD Provider or DD Provider is involved

- Medical Emergency
- Unanticipated Hospitalization
- Significant Injury
- Rights Code Violations
- Unapproved Behavioral Support
- All other categories must be reported regardless of whether a DD provider is present or not!

Reporting Requirements

- Immediate to 4 hour reporting is required for:
- Accidental/Suspicious Death
- Abuse (Physical, Verbal, Sexual)
- Neglect
- Misappropriation
- Exploitation
- Peer to Peer Acts
- When a media inquiry is received regarding an MUI
- MUI: (330) 764-8988
- After Hours MUI Hotline: 330-416-0840

Reporting Requirements

- Incident Reports must be completed by any person who provides any type of service to an individual with developmental disabilities (even if they are not working at the time they found out about the incident)
- A written report must be submitted by 3:00pm the next working day.
- Please submit written reports to MUIReport@mcbdd.org

Incident Report Criteria

- Factual Description of the incident (avoid opinions)
- Avoid use of initials and “we” or “staff” in the statement (use names for staff and initials for peers)
- The 5 W’s:
- Who, What, When, Where, Why (cause/contributing factors)
- Type and location of any injuries
- Immediate actions taken to ensure health and welfare of the individual(s)

Immediate Actions

The rule states the provider or county board shall implement immediate actions to protect the individual's health and welfare.

Examples:

- Assessed for Injury/Initiated first aid
- Called 911
- Separated individuals
- Removed PPI (primary person involved) from work schedule
- Notified law enforcement
- Any other actions to keep individuals safe
- Please Note: Notifying the Investigative Agent is not considered an immediate action.

Notifications of an MUI

- Per Rule: The provider shall make notifications when the MUI or discovery of the MUI occurs when the provider has responsibility for the individual. This notification should occur the same day as the MUI is discovered.
- Who should be notified?
- Guardian
- SSA
- Appropriate Providers
- Family
- Law Enforcement (if applicable)
- Note: Do not notify or discuss the MUI with the PPI!

Law Enforcement Notification

- Immediately report to law enforcement any allegation of exploitation, failure to report, misappropriation, neglect, peer to peer acts, physical abuse, sexual abuse, or verbal abuse which may constitute a criminal act.
- Document the time, date, name of person notified, as well as the report number (if available)
- Note: If there is a crime in progress or immediate intervention is needed, contact the local police jurisdiction/911.

Abuser Registry

- DODD maintains an Abuser Registry which is a list of employees who the department has determined have committed one of the registry offenses listed below. If a PPI is placed on the registry, the PPI is barred from employment as a DD employee in the state of Ohio.
- Registry offenses include: Physical abuse, sexual abuse, verbal abuse, prohibited sexual relations, neglect, misappropriation (valued at \$100 or greater), failure to report, and conviction of certain criminal offenses.
- Note: A substantiation in one of the above categories does not automatically place an individual on the registry. This is a separate process conducted by DODD.

Prevention Planning: Key Questions to Ask

- What happened?
- What should have happened?
- What were the causes and contributing factors?
- How can we decrease the chances of this incident happening again
- How can we prevent injuries?
- Is there a trend and pattern present which needs to be addressed?
- 3 MUIs of same/similar category in 6 months
- 5 MUIs in any category within 6 months
- 10 MUIs in any category within 12 months

Elements of a Good Prevention Plan

- Addresses each identified cause and contributing factor
- Is specific: Identify WHO is going to do WHAT, WHEN, WHERE, and HOW
- Incorporates long-term planning (not just immediate actions)
- Includes input from a variety of sources (including individual/guardian when appropriate)
- Includes a plan for monitoring and re-evaluation

Individual Bill of Rights

- Be treated nicely at all times and as a person
- Have a clean safe place to live in and a place to be alone
- Have food that is good for you
- Be able to go, if you want, to any church, temple, mosque
- Be able to go to a doctor or dentist when you are sick
- Be able to have people help you with the way you walk, talk, do things with your hands, act or feel, if you need it
- Be able to have people help and teach you, if you want
- Be able to have time and a place to go to be by yourself

Individual Bill of Rights

- Be able to call, write letters, or talk to anyone you want about anything you want
- Be able to have your own things and be able to use them
- Be able to have men and women as friends
- Be able to join in activities and do things that will help you grow up to be the best person you can be
- Be able to work and make money
- Be treated like everyone else
- Not be hit, yelled at, cursed at, or called names that hurt you
- Be able to learn new things, make friends, have activities to do, and go out in your community

Individual Bill of Rights

- Be able to tell people what you want and be part of making plans or decisions about your life
- Be able to ask someone you want to help you, let others know how you feel or what you want
- Be able to use your money to pay for things you need and want with help, if you need it
- Be able to say yes or no before people talk about what you do at work or home or look at your file
- Be able to complain or ask for changes if you don't like something without being afraid of getting in trouble
- Not be given medicine that you don't need, or be held down if you are not hurting yourself or others
- To vote and learn about laws and your community
- To say yes or no to being part of a study or experiment

Helpful Links

- Medina CB of DD www.mcbdd.org
- OAC 5123:2-17-02:
<https://doddportal.dodd.ohio.gov/rules/ineffect/Documents/5123-2-17-02%20Effective%202013-09-03.pdf>
- Health and Welfare Alerts:
- <http://dodd.ohio.gov/HealthandSafety/Pages/Health-and-Safety-Alerts.aspx>
- Ohio Department of Developmental Disabilities:
- Health and Safety Toolkit:
<http://dodd.ohio.gov/HealthandSafety/Pages/Tool-Kits.aspx>

Thank You!

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Medina DD Hotline (8am-4pm): 1-(330) 764-8988

After Hours Hotline: 1-330-416-0840