

July 5, 2017



Major Unusual Incidents

Understanding the MUI Reporting System

A Handbook for Families

Ohio Department of Developmental Disabilities (DODD)
Hotline Number: **866-313-6733**
Questions: (614) 995-3810

**Lake County Board of Developmental Disabilities/
Deepwood (LCBDD) Investigative Services Unit**
MUI Reporting Line: **440-350-5253 (LAKE)**
Fax: **440-350-5143**
IA@lakebdd.org

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Introduction

This handbook was developed to assist families in understanding major unusual incidents and the various activities and responsibilities that occur when one is reported. The role of the family is not discussed in the MUI Rule, as families are not required in rule to report incidents. The DODD and LCBDD recognize 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, LCBDD and DODD in protecting individuals with disabilities.

I. What is an MUI?

A MUI (major unusual incident) is an 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 may be placed at a reasonable risk of harm; if such individual is receiving services through the Developmental Disabilities service delivery system or will be receiving services as the result of the incident. 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 factors leading up to the incident and developing prevention plans to reduce the likelihood of the incident occurring again and to improve the quality of life for individuals. MUIs are always filed on behalf of the involved individual(s). The residential provider is also identified for incidents involving individuals whom they serve. This assists the provider in looking at trends and working with LCBDD to address them.

III. Who Must Report?

1. All agency and independent providers are required to report MUIs to the county board.

2. All LCBDD and DODD staff are *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.

IV. To Whom Are MUIs Reported?

A MUI contact number has been identified at the LCBDD to receive reports of possible MUIs [440-350-5253 (LAKE) or 440-918-5253]. Incidents may be reported to the above number or to any LCBDD employee. The DODD also has a hotline – 866-313-6733 – which may be used if there are concerns or difficulties in reporting to LCBDD.

V. 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/accidental deaths. Notify the police immediately when there is an alleged crime. All other MUIs are to be reported and an Incident Report submitted no later than 3:00 PM the next working day following initial knowledge of a potential or determined MUI. Prevention plans must then be implemented to reduce the likelihood of similar incidents occurring.

VI. What is the Role of the Lake County Board of Developmental Disabilities?

When LCBDD provides services, they must also take immediate actions to protect an individual when an MUI occurs in a LCBDD setting. The LCBDD is required to report and investigate MUIs. Ohio Administrative Code 5123:2-17-02 requires that when a county board becomes aware of certain incidents, a MUI report must be filed. LCBDD may need to contact the family to gather further information about the incident. This can be awkward if families are unaware of these county board requirements or have not been informed of the reasons that the information is being requested.

LCBDD employs Investigative Agents, certified by DODD, to conduct most MUI investigations. The investigation process can feel intimidating but is meant to be a neutral fact finding effort not to place blame.

VII. What is the Role of Department?

The Ohio Department of Developmental Disabilities (DODD) provides oversight and technical assistance. All MUI reports are reviewed by DODD MUI/Registry Unit to ensure immediate action, timely reporting, good investigations and necessary implementation of prevention plans. DODD also conducts investigations where it would be a conflict of interest for LCBDD to complete the investigation/report.

VIII. Why are Family Members Called for Information?

The MUI system is set up to help protect all individuals in the Developmental Disabilities system. By looking at individual and group 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, lack of assessment of symptoms, and lack of identification of new problems for people with certain syndromes. Reporting helps DODD and LCBDD to get a better picture of what is happening and enables us to make improvements in the system that benefit everyone.



IX. MUI REPORTING FLOW CHART

Incident occurs

Provider Role



- 1) The provider takes immediate action to protect health and welfare.
- 2) A verbal report is made by the provider to LCBDD MUI Reporting line 440-350-5253 (LAKE) and other parties as described below.
 - A. For abuse, exploitation, misappropriation, neglect and suspicious or accidental death, the provider immediately, but no later than four hours after the discovery of the incident notifies the LCBDD MUI Reporting Line and local law enforcement.
 - B. For possible abuse/neglect of an individual under the age of 21, the provider also notifies the local public children's services agency.
 - C. For any MUI, the provider submits an Incident Report to LCBDD no later than 3:00 PM the next working day following initial knowledge of potential or determined MUI.
 - D. On the same day the MUI occurs/is discovered, the provider also notifies the following people, when applicable, of the incident and immediate actions taken: guardian; the Service and Support Administrator (SSA); the licensed or certified residential provider; and staff or family living at the individuals' home who have responsibility for the individual's care.

Exception: Notification shall not be made if the above-noted to be notified is the person alleged to be responsible for the possible abuse/neglect/misappropriation/exploitation.

Lake County Board of Developmental Disabilities

Investigative Services Unit



- Ensures that law enforcement has been notified (if possible crime) *and/or*
- Children's Protective Services has been notified, if suspected abuse or neglect and the individual is under 21 years of age.
- Submits a report on DODD's Incident Tracking System (ITS) after it is discovered that an alleged MUI has occurred.
- Begins an investigation immediately, but no later than 24 hours for:
 - a. Abuse, neglect, exploitation, or misappropriation.
 - b. Rights Code
 - c. Suspicious or Accidental Death
 - d. Prohibited Sexual Relations
 - e. Any other MUI LCBDD determines shall be initiated within the time frame stated above, and no later than 3 working days after identification or notification for other MUI's.
 - f. Submits the investigation report for closure in the ITS within 30 working days, unless an extension has been granted by DODD.
 - g. Provides a written summary of the MUI investigation within 5 calendar days after recommendation for closure in the ITS to the individuals identified in the Ohio Administrative Rule, for certain types of MUIs.

Ohio Department of Developmental Disabilities

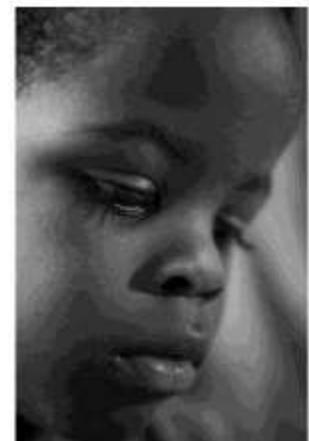


- Reviews all initial reports to ensure immediate actions have occurred and notifications were made.
- Conducts investigations where it is a conflict for LCBDD to do so.
- Notifies Disability Rights Ohio and Ohio Department of Job and Family Services via on-line incident reporting system
- Closes cases as specified in the Ohio Administrative Rule.

X. Definitions

Major Unusual Incidents (MUI) are categorized as:

1. *Physical Abuse* is use of physical force that can reasonably be expected to result in physical harm, or serious physical harm.
2. *Sexual Abuse* is unlawful, sexual contact/conduct.



3. *Verbal Abuse* is using words, gestures or other communicative means to purposely threaten, coerce, intimidate, harass or humiliate an individual.
4. *Attempted Suicide* is when there is any 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 due to any cause.
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* is when a required reporter fails to report a situation he/she 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 indicate abuse, misappropriation, exploitation 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 DODD.
8. *Significant Injury* means an injury from a known or unknown cause that is not considered abuse or neglect and that results in concussion, broken bone, dislocation, immobilization, casting, five or more sutures, or second or third degree burns.
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., choking relief techniques such as back blows or cardiopulmonary resuscitation, epinephrine auto injector usage or intravenous fluids for dehydration).
11. *Misappropriation* is when an individual is deprived, defrauded, or otherwise incurs the loss of real or personal property by any means prohibited by the Ohio Revised Code.
12. *Missing Individual* means an incident that is not considered neglect and the 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.
13. *Neglect* is when there is a duty to do so, failing to provide an individual with any treatment, care, goods, and/or supervision, or services necessary to maintain the health or welfare of the individual.
14. *Peer-to-Peer Acts* are acts committed when one individual is targeting or firmly fixed on another individual and physically or verbally abuses the other individual; any sexual abuse; any exploitation; or intentional theft of real or personal property valued at twenty dollars or more from another individual.
15. *Prohibited Sexual Relations* when a Developmental Disabilities employee is having consensual sexual contact or conduct with an individual served (who is not the employee's spouse).

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 welfare of an individual.
17. *Unapproved Behavior Support* is the use of any aversive strategy or intervention implemented without approval of the human rights committee, that results in a likely risk to the individual's health and welfare.
18. *Unscheduled Hospital Admission* 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.

XI. How are MUIs Different from UIs (Unusual Incidents)?

Unusual Incidents are events involving a person with a developmental disability that are not consistent with routine operations, policies and procedures, or the care or individual service plan of the individual, but do not meet MUI criteria.

Unusual Incidents include minor injuries, falls, overnight relocations, medication errors without a likely risk to health and welfare, or other types of situations that do not meet the definition of an MUI. Providers are required to track trends and patterns and to do prevention planning for unusual incidents.



To Report a MUI to LCBDD:

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Fax: 440-350-5143
IA@lakebdd.org

The mission of the Lake County Board of Developmental Disabilities/Deepwood is to EMPOWER people with developmental disabilities to ENGAGE in activities that ENRICH their lives and contribute to their community.

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