



Unusual Incident(UI) Major Unusual Incident (MUI) Rule Training 5123-17-02

Clearwater Council of Governments

What is a Major Unusual Incident?

- Major Unusual Incident (MUI) means the alleged, suspected or actual occurrence of an incident 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.

Why do we investigate MUIs?

- To more effectively manage incidents
- Identify the cause and contributing factors of the incident
- Once we determine the cause and the contributing factors, we can manage the incident more effectively by developing a prevention plan that addresses the cause and the contributing factors.
- The individual's team is responsible to develop and implement the prevention plan.
- This likely reduces the recurrence of a similar incident.

Categorizing MUIs

- Three types of categories:
- Category A – Cases in which law enforcement, Children Services, or the Investigative Agent may be involved in the investigation.
- Category B – Cases investigated by the Investigative Agent.
- Category C – Cases can be investigated by the county board utilizing a prescribed format and reviewed by the Investigative Agent.

Category A

- Category A investigations are conducted by Law Enforcement, Children Services, or the Investigative Agent and include:
 - Accidental or suspicious death
 - Exploitation
 - Failure to report
 - Misappropriation
 - Neglect
 - Physical abuse
 - Prohibited sexual activities
 - Rights code
 - Sexual abuse
 - Verbal abuse

Category B

- Category B incidents are conducted by the Investigative Agent and include:
 - Attempted suicide
 - Death
 - Medical emergency
 - Missing individual
 - Peer to peer act
 - Significant injury

Category C

- Cases investigated by the county board utilizing a prescribed format and reviewed by the Investigative Agent include:
 - Law enforcement involvement
 - Unanticipated hospitalization
 - Unapproved behavioral support

MUI Definitions



Physical Abuse

- The use of physical force that can reasonably be expected to result in physical harm.
 - slap
 - hit
 - push
 - throwing objects
- Physical harm – means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

Sexual Abuse

- Unlawful sexual contact – Touching erogenous zones (breast, buttocks, “private parts)
- Unlawful sexual conduct – intercourse (oral, anal, vaginal)
- Public indecency, voyeurism, importuning, etc. – Prostitution, “Peeping Tom”, Masturbating in front of an individual

Verbal Abuse

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

Know the signs of abuse

- Bruising
- Bleeding, soreness, redness, irritation, itching, and unusual discharges
- Torn or stained underwear or linens
- Sexually transmitted diseases
- New sexual knowledge or sexual behavior
- Sudden difficulty walking or sitting
- Suddenly frightened of certain people or situations
- Ongoing unexplained health problems like stomach aches, headaches
- Withdrawal from previously enjoyable activities, places, or persons, suddenly avoiding places or people
- Changes in sleep patterns such as nightmares, trouble sleeping, sudden bedwetting, and other sleep problems
- Dressing in layers of clothing
- Changes in appetite, loss of appetite, weight gain or loss

Misappropriation

- Depriving, defrauding, or otherwise obtaining the real or personal property of an individual - Includes theft of money or property.
- **AMOUNT DOES NOT MATTER!**
- Examples

Neglect

- When there is a duty to do
- 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

Types of Neglect

- An MUI where one or more persons can be identified as the primary person involved (PPI).
- Systems issue – a substantiated MUI attributed to multiple variables.

Exploitation

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

Peer-to-peer Exploitation

- A peer using another peer or the peer's possessions for personal gain.
- Examples

Peer-to-peer Theft

- A peer stealing from another peer money or property equal to \$20.00 or more.
- Can also be filed if the stolen property has “significant personal value” to the person.
- Examples

Peer-to-peer Physical Acts

- Physical act which means a physical altercation that:
- Results in examination or treatment by a physician, physician assistant or nurse practitioner
- Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion or biting which causes breaking of the skin
- Results in an individual being arrested, incarcerated or the subject of criminal charges

Peer-to-peer Verbal

- An act by a peer to another peer which uses words, gestures, or other communicative means to purposefully threaten, coerce, or intimidate the other peer when there is an opportunity and ability to carry out the threat.
- Examples

Peer-to-peer Sexual

- An act by a peer to another peer which means sexual conduct and/or contact for the purposes of sexual gratification without the consent of the other individual.
- Examples

Prohibited Sexual Relations

- A 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 DD employee was employed or under contract to provide care or supervise the provision of care at the time of the incident.
- Examples

Rights Code Violation

- Any violation of an individual rights.
- *That creates a likely risk of harm to the health and welfare of the individual.*
- Can either be a UI or MUI.

Failure to Report

- A person who is mandated to report has a reason to believe that an individual is at risk and does not report it.
- Can report to county board, police, children services, or DODD.
- Can be criminal!

Unapproved Behavioral Support

- Unapproved behavioral support means the use of a prohibited measure as defined in rule 5123:2-2-06 of the Administrative Code or the use of a restrictive measure implemented without approval of the human rights committee or without informed consent of the individual or the individual's guardian when the use of the prohibited measure or restrictive measure results in risk to the individual's health and welfare.
- Prone restraint will be filed as an Unapproved Behavioral Support, and investigated as a UBS, this could be upgraded to Physical Abuse when appropriate.
- When the use of the prohibited measure or restrictive measure does not result in risk to the individual's health and welfare, the incident shall be investigated as an unusual incident.

Missing Individual

- An incident that is not considered neglect
- 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

Attempted Suicide

- Individual makes an actual, physical attempt that results in:
 - ER treatment
 - In-patient observation
 - Hospital Admission

Law Enforcement

- Anytime an individual is involved with the police and the incident involves:
 - Charges being filed
 - Incarceration
 - Arrest
 - Tased

Medical Emergency

- An incident where emergency intervention is required to save an individual's life.
 - Choking relief techniques such as back blows or abdominal thrusts
 - CPR
 - Automated external defibrillator (AED)
 - Epinephrine auto injector (Epi pen)

Significant Injuries

- Significant injury means an injury of known or unknown cause that is not considered abuse or neglect and that results in one of the following:
 - Concussion
 - Broken bone
 - Dislocation
 - Second or third degree burn
 - Requires immobilization or casting
 - Five or more sutures

Unanticipated Hospitalization

- Any hospital admission that is not planned and not addressed in the individual's plan
- Any hospital stay that is over 24 hours

Death

- Any time an individual passes away for any reason.
 - A death of an individual resulting from an accident or suspicious circumstances (Category A)
- or
- A death of natural cause without suspicious circumstances (Category B)

Reporting requirements

- If a person resides in an ICF or receives 24-hour waiver services, all incidents will be deemed MUIs, regardless of where the incident occurs.
- The county board shall forward preliminary information regarding incidents to IA for entry into ITS by 5:00pm on the first working day following the day the provider becomes aware of a potential or determined major unusual incident.
 - **Example: Verbal notification is received from provider by on-call at 6:30pm on Monday. The MUI has to be entered by 5:00pm on Tuesday.**
- All providers, including independent providers, are required to submit a written incident report by 3:00pm the next working day for all MUI and potential MUI allegations.

Reporting Requirements

- The provider or county board shall immediately (within 4 hours) notify county board for any allegation of:
- Accidental or suspicious death
- Exploitation
- Misappropriation
- Neglect
- Peer to peer act
- Physical abuse
- Sexual abuse
- Verbal abuse
- Prohibited sexual relations
- Media inquiries

Reporting Requirements

- The provider shall immediately report to law enforcement any allegation which may constitute a criminal act.
- The provider shall document the time, date, and name of the person notified & the county board shall ensure that the notification has been made.

Notifications

- The provider shall make the following notifications, as applicable, on the same day the incident is discovered. These notifications include:
 - Guardian or other person whom the individual has identified
 - Service & Support Administrator (SSA)
 - Other providers of services as necessary to ensure continuity of care and support for the individual.
 - Staff or family living as the individual's home who have responsibility for the individual's care.

Notifications

- Agency providers shall implement a written procedure for the internal review of all MUIs and shall be responsible for taking all reasonable steps necessary to prevent the recurrence.
- The written procedure shall require senior management of the agency provider to be informed within 2 working days following the day staff become aware of a potential or determined MUI involving misappropriation, neglect, physical abuse or sexual abuse.

Notifications

- Except when law enforcement or CSB agency is conducting an investigation, the IA shall reach a preliminary finding regarding allegations of physical abuse or sexual abuse and notify the individual or individual's guardian and provider of the preliminary finding within 14 working days.
- When it is not possible for the IA to reach a preliminary finding within 14 working days the IA will notify the individual or individual's guardian and provider of the status of the investigation.

Notifications

- For peer to peer acts - notifications shall be made to the individuals, individuals' guardians, and other persons who the individuals have identified.
- Notifications shall not be made when such notifications could jeopardize the health and welfare of an individual.

So, what happens when an MUI occurs?

- Who do I call?
- County Board (during business hours)
- On-Call (after hours)
- **CALL IMMEDIATELY** to ensure health & welfare.
- It is important to write an incident report as soon as possible in order to ensure the Investigative Agent and the county board has all relevant information.

And then...

- Measures are taken to ensure health & welfare (removal of employee (PPI), removal of individual, etc.)
- Removal of an employee (PPI) from direct contact with any individual when the employee is alleged to have been involved in physical abuse or sexual abuse until such time as the provider has reasonably determined that such removal is no longer necessary. Nothing precludes any employer from removing an employee if they believe it is necessary (i.e. in cases of verbal abuse, neglect, and misappropriation..)
- An investigation ensues immediately by either the police, children's services, or the Investigative Agent (IA).

What happens next?

- If the police and/or children services have declined to investigate, the IA commences the investigation.
- Conducts interviews
- Assesses the scene of the incident
- Takes photographs
- Determines cause & contributing factors of the incident
- Ensures a prevention plan has been developed by the team
- Submits findings to the Superintendent (if they request) and DODD

Unusual Incidents

- Unusual incident means an event or occurrence involving an individual that is not consistent with routine operations, policies & procedures, or the individual's care or service –plan, but IS NOT an MUI.
- Unusual incidents include, but are not limited to:
 - Dental injuries
 - Falls
 - Injuries (not significant)
 - Medication errors (without likely risk to H&W)
 - Relocation
 - Peer to peer act that does not result in an MUI
 - Rights code violation that does not pose a likely risk to H&W
 - Unapproved behavioral support that does not pose a likely risk to H&W
 - Emergency room or Urgent care treatment center visits
 - Program implementation incidents

What to do when an unusual incident occurs

- Ensure immediate action!
- Obtain medical attention immediately, if necessary
- Separate individuals or staff
- Assess for injuries
- Call for assistance
- Ensure notifications have been made
 - Guardian
 - Family or staff at home
- These notification have to be made on the same day the incident occurs!

What to do when an unusual incident occurs (cont.)

- According to the MUI rule, all agency providers are required to investigate every UIR in order to:
 - Figure out what exactly occurred
 - Determine the causes and contributing factor
 - Develop a prevention plan

THIS IS A REQUIREMENT FOR PROVIDER COMPLIANCE & LICENSURE

Program Implementation Incident

- Means an unusual incident involving the failure to carry out a person-centered plan when such failure causes minimal risk or no risk.
- Examples include but are not limited to failing to provide supervision for short periods of time, automobile accidents without harm, and self-reported incidents with minimal risk.

Who Must Report?

- All developmental disabilities employee which include:
- An employee of the department
- Superintendent
- Board Member
- Employee of a county board
- Administrator, board member, or employee of a licensed residential facility
- Administrator, board member, or employee of any other public or private provider of services to an individual with a developmental disability
- Common law employee - means a natural person certified by the department to provide participant-directed homemaker/personal care to an individual who is exercising employer authority. A common law employee shall not employ, either directly or through contract, anyone else to provide participant-directed homemaker/personal care.
- Independent provider

Who is the Investigative Agent and what do they do?

- Investigative Agents are the only people who can investigate MUIs.
- They must be certified through DODD and have extensive training in conducting investigations.
- Clearwater COG has 2 IAs...
- Kristy Schweingruber
- Nicole Powell

Abuser Registry

- A process that DODD utilizes to place people on a registry after they have been named a PPI (Primary Person Involved) in a substantiated allegation.
- A hearing is conducted, and a committee determines if the PPI will be placed on the registry.
- If a PPI is placed on the registry, they cannot work in this field.
- After one year from the day your name was placed on the registry, the person may petition to be removed. This process is not AUTOMATIC.

What is the “Bill of Rights”?

- The Individual Bill of Rights is a document designed to ensure that the rights of individuals with developmental disabilities are not infringed upon.

How Is the Bill of Rights Enforced?

- The Bill of Rights can be enforced by the county board or depending on the nature of the allegation, can be enforced by law enforcement or the court system.

Why is the Bill of Rights Relevant?

- Ensures that individuals are being treated equally and fairly.
- Ensures that staff and others are not “over stepping” their boundaries.
- Ensures that individuals are safe and protected.
- Ensures an individual’s right to privacy.

Training

- Agency providers and county boards shall ensure staff employed in direct services positions are trained on the requirements of this rule regarding the identification and reporting of MUIs and UIs prior to **direct contact** with any individual. Thereafter, staff employed in direct service positions shall receive training during each calendar year which shall include annual training on the requirements of this rule including a review of health and welfare alerts issued by the department since the previous calendar year's training.



OHIO DEPARTMENT OF DEVELOPMENTAL DISABILITIES

HEALTH AND WELFARE ALERTS

TITLE		ISSUE DATE
	Shunt Care	8/30/22
	Suicide Awareness & Prevention	5/24/22
	Human Trafficking	4/19/22
	Fall Prevention	3/31/22
I	Stay Safe in Winter Weather	11/16/21
I	Arm Yourself Against COVID	11/24/21
I	Exploitation Prevention	11/10/21
I	Flu Prevention	10/8/21
	Fall Prevention	9/2/21
	Drowning Prevention	6/30/21
	Staying Safe in the Summer	5/27/21
	Recognizing and Responding to Medical Emergencies	5/4/21

Incident Reports

- This is a legal document.
- When completing incident reports, you need to make sure you are putting facts and details.
- Do not put your opinion.
- Ensure immediate actions are taken. This is what you did for the individual to ensure health and welfare.

UI Logs

- Logs must include the following:
 - Name
 - Date and Time
 - Injury
 - Location
 - Description of incident (summary)
 - Immediate Actions
 - Causes and Contributing Factors
 - Prevention plan

UI Logs

- Must be completed and reviewed monthly by the provider.
- Must complete a log even if you do not have any UIs for the month.
- County Board will review a representative sampling on a quarterly basis.

MUI Analysis

- Must be completed by the provider by January 31st of each year. This is then sent to the County Board by February 28th.
- The report must contain the following:
 - Date of review
 - Name of person completing review
 - Time period of review
 - Comparison of data for previous 3 years
 - Explanation of data
 - Specific individuals involved in established trends and patterns
 - Specific trends by residence, region, or program
 - Previously identified trends and patterns.
 - Action plans and preventive measures implemented to address patterns and trends.

Questions?



Questions

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