



**Belmont-Harrison-Noble
County Boards of Developmental Disabilities**

MAJOR UNUSUAL INCIDENTS

Understanding the
MUI Reporting System
For Providers

July 2024 UPDATE

WHO TO CALL

BHN ALLIANCE MUI CONTACT

MANDY JACKSON

740-695-0407 ext. 365

Email: mui@bcbdd.org



MUI/On-Call, After Hours Reporting

740-310-2255

Ohio Department of Developmental Disabilities MUI Hotline

1-866-313-6733

Questions? 614-995-3810

ORC 5123-17-02 MUI Rule

Addressing major unusual incidents and unusual incidents to ensure health, welfare, and continuous quality improvement.

PURPOSE

This 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.

What is a MUI (Major Unusual Incident)?

“Major Unusual Incident” means the alleged, suspected, or actual occurrence of an incident, when there is reason to believe the incident has occurred, that is defined as a Category A, Category B or Category C incident in the MUI Rule. Category A, B and C MUI’s are defined on pages three and four of this handbook.

MUI CATEGORIES

Category A

1. Accidental or suspicious death. "Accidental or suspicious death" means the death of an individual resulting from an accident or suspicious circumstances.
2. Exploitation means the unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.
3. Failure to Report means a person, who is required to report pursuant to section 5123.61 of the Revised Code, 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, neglect, misappropriation, or exploitation that results in a risk to health and welfare of that individual, and such person does not immediately report such information to a law enforcement agency or the county board.
4. Misappropriation is when someone deprives defrauds, or otherwise obtains real or personal property of an individual.
5. Neglect means 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.
6. Physical abuse. "Physical abuse" means the use of physical force that can reasonably be expected to result in physical harm to an individual. Such physical force may include, but is not limited to, hitting, slapping, pushing, or throwing objects at an individual.
7. Prohibited sexual relations is a developmental disabilities 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 developmental disabilities employee was employed or under contract to provide care or supervise the provision of care at the time of the incident.
8. 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.
9. Sexual abuse is unlawful sexual contact/conduct or any act prohibited by Chapter 2907. of the Revised Code (e.g., public indecency, importuning, and voyeurism) when the sexual conduct, sexual contact, or act involves an individual.
10. Verbal abuse means the use of words, gestures, or other communicative means to threaten, coerce, intimidate, harass or humiliate an individual.

MUI CATEGORIES (CONTINUED)

Category B

11. Attempted Suicide means a physical attempt by an individual that results in emergency room treatment, in-patient observation, or hospital admission.

12. Death other than accidental or suspicious death means the death of an individual by natural cause without suspicious circumstances.

13. 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, use of an automated external defibrillator, or use of an epinephrine auto injector).

14. Missing Individual is 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.

15. Peer-to-peer act means one of the following incidents involving two individuals served: Exploitation, Theft, Physical Act, Sexual Act, Verbal Act.

16. 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.

Category C

17. Law enforcement means an individual is either tased, charged, incarcerated or arrested.

18. Unanticipated hospitalization is any hospital admission or hospital stay over twenty-four hours that is not pre-scheduled or planned.

19. 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 in accordance with rule 5123:2-2-06 of the Administrative Code, when use of the prohibited measure or restrictive measure results in risk to the individual's health or welfare.

REPORTING TIMELINE FOR MUI

The provider shall immediately, but no later than four hours after discovery of the incident, VERBALLY notify the county board of the following incidents or allegations:

- Accidental or suspicious death;
- Prohibited Sexual Relations
- Exploitation;
- Misappropriation;
- Neglect;
- Peer-to-peer act;
- Physical abuse;
- Sexual abuse;
- Verbal abuse; and
- When the provider has received an inquiry from the media regarding a major unusual incident.

For all major unusual incidents, all providers shall submit a written incident report to the county board contact or designee no later than 3 p.m. the first working day following the day the provider becomes aware of a potential or determined MUI. The report shall be submitted in a format prescribed by the department. Email MUI related information to mui@bcbdd.org

The county board shall enter preliminary information regarding the incident in the incident tracking system and in the manner prescribed by the department by 5 p.m. on the first working day following the day the county board receives notification from the provider or otherwise becomes aware of the MUI.

REPORTING REQUIREMENTS FOR MUI

Reports regarding all major unusual incidents involving an individual who resides in an intermediate care facility or who receives round-the-clock waiver services shall be filed and the requirements of this rule followed regardless of where the incident occurred. Reports regarding the following major unusual incidents shall be filed and the requirements of this rule followed regardless of where the incident occurred:

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| • Accidental or suspicious death | • Verbal Abuse |
| • Attempted Suicide | • Sexual Abuse |
| • Death other than accidental or suspicious death | • Prohibited Sexual Relations |
| • Exploitation | • Physical Abuse |
| • Failure to Report | • Law Enforcement |
| • Misappropriation | • Missing Individual |
| • Neglect | • Peer-to-Peer Act |

Reports regarding the following major unusual incidents shall be filed and the requirements of this rule followed only when the incident occurs in a program operated by a county board or when the individual is being served by a licensed or certified provider:

- Medical emergency
- Rights code violation
- Significant injury
- Unapproved behavioral support
- Unanticipated hospitalization

Reporting of 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 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.

All allegations of abuse or neglect as defined in sections [2151.031](#) and [2151.03](#) of the Revised Code of an individual under the age of twenty-one years shall be immediately reported to the local public children's services agency. The notification may be made by the provider or the county board. The county board shall ensure that the notification has been made.

Immediately Upon Identification or Notification of an MUI, the Provider Shall:

- Take all reasonable measures to ensure the health and welfare of at-risk individuals. Such measures shall include:
 1. Immediate or ongoing medical attention, as appropriate;
 2. Removal of an employee 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; and
 3. Other necessary measures to protect the health and welfare of at-risk individuals.

Who Must Report?

- All superintendents, board members, or employees of a county board.
- All employees of the department.
- An administrator, board member, or employee of a residential facility licensed under section 5123.19 of the Revised Code.
- An administrator, board member, or employee of any other public or private provider of services to an individual with a developmental disability.
- An independent provider.
- Anyone paid to provide Medicaid waiver services.
- All providers who are contracted, certified or licensed to serve persons with developmental disabilities are required to report MUIs.

What is an Unusual Incident (UI)?

Unusual incident (UI) means an event or occurrence involving an individual that is not consistent with routine operations, policies and procedures, or the individual's care or individual 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 (2) individuals served that is not a peer-to-peer act MUI
- Rights code violations or unapproved behavioral supports without a likely risk to health & welfare
- Emergency room or urgent care treatment center visits
- Program implementation incidents

Requirements for Unusual Incidents

Unusual incidents shall be reported and investigated by the provider and each agency provider shall develop and implement a written unusual incident policy and procedure that:

- Identifies what is to be reported as an unusual incident, which shall include unusual incidents as defined in this rule;
- Requires an employee who becomes aware of an unusual incident to report it to the person designated by the agency provider who can initiate proper action;
- Requires the report to be made no later than twenty-four (24) hours after the occurrence of the unusual incident; and
- Requires the agency provider to investigate unusual incidents, identify the cause and contributing factors when applicable, and develop preventive measures to protect the health and welfare of any at-risk individuals.

Independent providers shall complete an incident report, notify the individual's guardian or other person whom the individual has identified, as applicable, and forward the incident report to the SSA or county board designee on the first working day following the day the unusual incident is discovered.

Each agency provider and independent provider shall review all unusual incidents as necessary, but no less than monthly, to ensure appropriate preventive measures have been implemented and trends and patterns identified and addressed as appropriate.

The unusual incident reports, documentation of identified trends and patterns, and corrective action shall be made available to the county board and department upon request.

Each agency provider and independent provider shall maintain a log of all unusual incidents. The log shall contain only unusual incidents as defined in paragraph (C)(25) of the ORC 5123-17-02 MUI rule and shall include, but is not limited to, the name of the individual, a brief description of the unusual incident, any injuries, time, date, location, cause and contributing factors and preventive measures.

The county board shall review, on at least a quarterly basis, a representative sample of provider unusual incident logs, including logs where the county board is a provider, to ensure that major unusual incidents have been reported, preventive measures have been implemented, and that trends and patterns have been identified and addressed in accordance with this rule. The sample shall be made available to the Ohio Department of DD for review upon request.

THE INCIDENT REPORT

The Incident Report is the documentation that contains details about a major unusual incident or an unusual incident. It shall include, but is not limited to the following information:

- Individual's name and address
- Date and location of the incident
- Description of the incident
- Type and location of injuries
- Immediate actions taken to ensure health and welfare of the individual involved and any at-risk individuals
- Name of the primary person involved and his/her relationship to the individual
- Name 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; cause and contributing factors; and Prevention Plan
- Name of signature of person completing the incident report

Role of the Provider in the UI/MUI Process

The provider's role is to take immediate actions to protect individuals from further harm when incidents occur in their setting. The provider must immediately notify the police or the local public children's services agency when there is an alleged criminal act; report MUIs immediately but no later than four (4) hours of awareness to the County Board, for Accidental or suspicious death; Exploitation; Misappropriation; Neglect; Peer-to-peer act; Physical abuse; Prohibited sexual relations; Sexual abuse; Verbal abuse; and When the provider has received an inquiry from the media regarding a major unusual incident. All developmental disability employees shall cooperate with administrative investigations conducted by entities authorized to conduct investigations.

Role of the County Board

The County Board is required to report and conduct an administrative investigation of all MUIs. County Boards contract, or employ investigative agents who are certified by the Ohio Department of Developmental Disabilities. The County Board shall ensure all required notifications have been made, all reasonable measure necessary to protect the health and welfare of at-risk individuals have been taken, determine if additional measures are needed and notify the department if circumstances of the MUI rule require a department-directed administrative investigation.

Role of the Ohio Department of Developmental Disabilities

The Ohio Department of DD provides oversight and technical assistance. All MUI reports are reviewed by the Department of DD, MUI/Registry Unit to ensure immediate action, timely reporting, good investigations and necessary implementation of prevention plans. The Department reviews patterns and trends reviews for individuals and the state. The Department also conducts investigations where it would be a conflict of interest for the county board to complete. In addition, the Department manages the State of Ohio Abuser Registry.