



MUI/UI and Rights Training for Providers

Last Updated May 2022

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 individual service plan, but is not a major unusual incident.
- ▶ Unusual incidents include, but are 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 MUI, rights code violations or unapproved behavioral supports without a likely risk to health and welfare, emergency room or urgent care treatment center visits, and program implementation incidents.

Unusual Incidents

Requires the provider to investigate unusual incidents, identify the cause and contributing factors, and develop preventive measures to protect the health and welfare of any at-risk individuals.

Unusual Incident Requirements

- ▶ The incident report must be completed by the service provider staff who is present at the time of the incident.
- ▶ Best practice is for incident reports to be completed by the end of the shift
- ▶ Administrative staff, or witnesses of the incident, may provide additional reports as necessary

Incident Reports

Requirements for written incident reports:

- Written incident reports for MUI's must be submitted to the county board MUI Coordinator no later than 3:00 p.m. the following business day (regardless of staffing schedules) – Best practice though is to submit these reports by 10:00 a.m. to ensure provider has met all requirements
- Written incident reports for UI's (not MUI's) should be sent to the SSA (if individual has one) by the end of the following day unless requested sooner
- Be as detailed as possible: who, what, why, when, how long, etc. You may save yourself time down the road by being thorough on the incident report
- Complete all sections! If truly not applicable, write N/A but do not leave blank
- Immediate actions, causes and contributing factors and prevention plans are required information!
- **RECORD ALL NOTIFICATIONS MADE, INCLUDING DATE AND TIME!**

UI Requirements

A good prevention
plan may prevent
an MUI

MUI–Major Unusual Incident

❖ Definition–

The alleged, suspected, or actual occurrence of an incident 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

MUIs are filed if the individual receives services through the county board or will receive services as a result of the incident

All MUI Categories:

All MUIs and potential MUIs are to be reported verbally to Athens County Board of DD emergency on-call by calling (740) 447-0710 during business or non-business hours immediately after following your agency reporting policy

Timeframe requirements

- ▶ For all major unusual incidents, a provider shall submit a written incident report to the MUI Coordinator by 3:00 p.m. on the first working day following the day the provider becomes aware of a potential or determined MUI.
- ▶ The MUI Coordinator shall enter preliminary information regarding the incident in the ITS system by 5:00 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:

When submitting the written incident reports for all MUIs and potential MUIs to the Athens County Board of DD, they can be sent via email or via fax to the MUI Coordinator:

email to skendrick@athenscbdd.org

or

faxed to 740-592-1098

REPORTING REQUIREMENTS:

- ❖ Notify the County Board immediately to **within 4 hours** for incidents of:
 - ☐ Alleged abuse or neglect
 - ☐ Misappropriation or Exploitation
 - ☐ Accidental or Suspicious Death
 - ☐ Peer-to-Peer Acts
 - ☐ Prohibited Sexual Relations
 - ☐ Any inquiry from the media regarding an MUI
- ❖ Notify the County Board the day of for all other categories

Reporting Requirements:

- ▶ All DD employees are required to report MUI's once aware.
- ▶ The provider must report allegations that may constitute a criminal act to law enforcement or to Athens County Children's Services (for abuse or neglect) for an individual under the age of 21 years.
- ▶ The Athens County Board MUI Department will ensure notifications have been made and in the required time frames.



Reporting Requirements

- ▶ Immediately upon identification or notification of an MUI, the provider must take all reasonable measures to ensure the health and welfare of affected individual(s).
- ▶ Immediate action may include 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.
- ▶ The provider and the county board shall discuss any disagreements regarding reasonable measures in order to resolve them. If an agreement cannot be reached, the Department will make the determination of how to proceed.



What YOU need to know about reporting Abuse, Neglect, MUIs, and UIs

- ❖ You are a mandated reporter
- ❖ Know your internal reporting procedures—if you don't know, ASK
- ❖ Failing to report an incident that leaves an individual at risk may result in placement on the *Abuser Registry*
- ❖ It is a violation of law for employers to retaliate against an employee for good faith reporting!



MUI Categories

Appendix A

- ▶ Abuse: Physical, Sexual, Verbal
- ▶ Prohibited Sexual Relations
- ▶ Neglect
- ▶ Misappropriation
- ▶ Exploitation
- ▶ Failure to Report
- ▶ Rights Code Violation
- ▶ Accidental or Suspicious Death

Appendix B

- ▶ Medical Emergency
- ▶ Missing Individual
- ▶ Attempted Suicide
- ▶ Significant Injury
- ▶ Death other than accidental or suspicious
- ▶ Peer to Peer Acts

Appendix C

- ▶ Law Enforcement
- ▶ Unapproved Behavioral Supports
- ▶ Unanticipated Hospitalizations

Categories: Abuse – 3 types



Physical

- 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. (NO ACTUAL HARM IS NECESSARY FOR THIS TO BE CONSIDERED ABUSE) Physical harm means any injury, illness, or other physiological impairment regardless of its gravity or duration.

Sexual

- The unlawful sexual conduct or sexual contact as those terms are defined in section 2907.01 of the Revised Code and the commission of any act prohibited by Chapter 2907 (e.g., public indecency, importuning, or voyeurism) when the sexual conduct, sexual contact, or act involves an individual.

Verbal

- The purposeful use of words, gestures, or ***other communicative means*** to threaten, coerce, intimidate, harass, or humiliate an individual

Examples of Physical Abuse

- ▶ A CARE PROVIDER SLAPS AN INDIVIDUAL ACROSS THE FACE IN RESPONSE TO HIS PHYSICAL AGGRESSION
- ▶ A DSP PULLS THE INDIVIDUAL'S ARM BEHIND HER BACK, DISLOCATING HER SHOULDER
- ▶ A DSP THROWS A WOODEN-HANDLED BRUSH AT THE INDIVIDUAL, HITTING HIM IN THE FOREHEAD
- ▶ A STAFF THROWS A PUNCH AT AN INDIVIDUAL, BUT MISSES
- ▶ A TEACHER NOTES WHAT APPEARS TO BE CIGARETTE BURNS ON A 7 YEAR-OLD INDIVIDUAL'S BACK



Examples of Sexual Abuse

- ❖ A 10 YEAR-OLD INDIVIDUAL ALLEGES THAT HIS UNCLE TOUCHED HIS PRIVATE PARTS (SUSPECTED SEXUAL ABUSE OF A CHILD UNDER THE AGE OF 21 IS TO BE REPORTED IMMEDIATELY TO THE LOCAL CHILDREN'S SERVICE AGENCY
- ❖ A STAFF PERSON IS ALLEGED TO HAVE FONDLED AN INDIVIDUAL'S BREAST
- ❖ AN INDIVIDUAL REPORTS THAT SHE WAS SEXUALLY ASSAULTED IN THE COMMUNITY




**all alleged crimes are to be reported to the local law enforcement agency having jurisdiction



Examples of Verbal Abuse



- ▶ A STAFF PERSON THREATENS TO PUNCH AN INDIVIDUAL WHO IS HAVING A BEHAVIOR
- ▶ A STAFF PERSON SENDS A TEXT TO AN INDIVIDUAL THAT HE WILL HURT HER IF SHE REPORTS THAT HE WAS NOT PRESENT FOR HIS SHIFT
- ▶ A STAFF PERSON REPORTS HEARING A CO-WORKER SWEARING AND CALLING AN INDIVIDUAL DEROGATORY NAMES IN A THREATENING TONE OF VOICE AFTER THE INDIVIDUAL HAS A TOILETING ACCIDENT

Words Can
Hurt  
or  **Heal**
What Did Yours
Do Today?

Category: Prohibited Sexual Relations

- ❖ Any consensual sexual conduct or contact between an individual and an individual's paid employee is *prohibited*.



This includes DD supervisory staff for the individual at work or home.

Category: Neglect

Definition:

When there is a duty to do so, failing to provide 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:

- ❖ STAFF FAILS TO SECURE A WHEELCHAIR DURING TRANSPORT AND WHEN THE VEHICLE STOPS, THE CHAIR TIPS OVER RESULTING IN INJURY TO THE INDIVIDUAL.—NO INJURY HAS TO HAVE OCCURRED TO FILE
- ❖ STAFF LEAVES THE HOME WHILE AN INDIVIDUAL IS WAITING OUTSIDE IN FREEZING TEMPERATURES. THE INDIVIDUAL'S BUS IS LATE AND SHE STANDS OUTSIDE FOR OVER AN HOUR.
- ❖ AN INDIVIDUAL'S DIET REQUIRES ALL FOOD TO BE CUT INTO DIME-SIZED PIECES BUT STAFF GIVES THE INDIVIDUAL A SLICE OF PIZZA. THE INDIVIDUAL CHOKES WHILE EATING AND THE STAFF PERFORMS BACK BLOWS TO DISLODGE THE FOOD. IT IS NOTED THAT CHOKING DOES NOT HAVE TO OCCUR FOR THIS TO BE FILED AS AN ALLEGED NEGLECT MUI.



Category: Misappropriation

- The deception must be purposeful!

- With the intent to deprive, defraud, or otherwise obtain the real or personal property of an individual prohibited by law or with malicious intent.



Examples of Misappropriation:

- ▶ AN INDIVIDUAL'S BANK ACCOUNT STATEMENT SHOWS SEVERAL UNAUTHORIZED WITHDRAWALS.
- ▶ STAFF USES AN INDIVIDUAL'S FUNDS TO PURCHASE GROCERIES FOR THE STAFF'S FAMILY.
- ▶ A CREDIT CARD WAS OPENED IN AN INDIVIDUAL'S NAME WITHOUT HER KNOWLEDGE. SEVERAL HUNDRED DOLLARS WORTH OF PURCHASES WERE CHARGED.
- ▶ STAFF TAKES MONEY FROM AN INDIVIDUAL'S HOME LOCKBOX FOR PERSONAL USE AND RETURNS THE MONEY THE FOLLOWING WEEK.



Category: Exploitation

- ❖ The unlawful or improper act of using an individual or an individual's resources for personal gain or profit.



Examples of Exploitation

- ▶ A RELATIVE ASKS AN INDIVIDUAL TO CO-SIGN A LOAN EVEN THOUGH THE HE DOES NOT UNDERSTAND WHAT HE IS SIGNING.
- ▶ STAFF ASKS AN INDIVIDUAL TO COLLECT DONATIONS FOR THE SPECIAL OLYMPICS AND THEN POCKETS THE DONATION MONEY.
- ▶ STAFF HAS AN INDIVIDUAL COMPLETE CHORES AT THE STAFF'S HOME FOR 3 HOURS. SHE IS GIVEN A CANDY BAR AND A QUARTER AS COMPENSATION.
- ▶ A HOME MANAGER OFFERS TO BUY GROCERIES FOR TWO HOMES SHE PROVIDES SERVICES FOR AND ONLY SHOPS AT KROGER. SHE RECEIVES FUEL POINTS WITH EACH SHOPPING TRIP AND BENEFITS BY PAYING VERY LITTLE FOR FUEL FOR HER PERSONAL VEHICLE.



Category: Accidental or Suspicious Death

- ❖ Accidental or suspicious death is filed based upon the circumstances surrounding the death
 - ❖ This would include suicide and homicide cases



Category: Failure to Report

- ❖ This could result in placement on the Abuser Registry if an employee fails to report an incident that leaves an individual at substantial risk of harm.
- ❖ FTR is filed when the employee knew or should have known the risk



Examples of Failure to Report

- AN INDIVIDUAL AT WORKSHOP REPORTS THAT HOME STAFF HIT HIS LEGS WITH A BROOM HANDLE. BRUISING AND REDNESS ARE OBSERVED ON HIS CALVES. WORKSHOP STAFF DO NOT REPORT THE INCIDENT AND HE IS SENT HOME ON THE BUS PLACING HIM AT FURTHER RISK FOR ABUSE.
- A FEMALE INDIVIDUAL INFORMS HER HOME STAFF THAT A PEER SEXUALLY ASSAULTED HER IN THE BATHROOM AT WORK. SHE RETURNS TO WORK WITHOUT PROTECTION FROM FURTHER ABUSE.

Additional MUI Categories

- ❖ These categories are reported as MUIs regardless of where the incident occurs (with or without a service provider):

- ❖ Peer to Peer Acts
- ❖ Law Enforcement
- ❖ Attempted Suicide
- ❖ Missing Individual
- ❖ Death, natural cause



MISSING

Category: Peer-to-Peer Acts

- ❖ **Physical act** is when one individual served targets another individual served and the act is not accidental or random.

Minor injuries such as scratches and reddened areas not involving the head or neck are considered unusual incidents and will not be filed as MUIs. However, they do require immediate actions, a review to uncover possible cause/contributing factors, and prevention measures.

CRITERIA:

1. Results in injury that is treated by a physician, physician assistant, or nurse practitioner; OR
2. Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion, or biting which causes a break in the skin; OR
3. Results in an individual being arrested, incarcerated, or the subject of criminal charges.



Examples of Peer to Peer Physical

- ▶ AN INDIVIDUAL IS TEASING A PEER. THE PEER TELLS THE INDIVIDUAL TO STOP IT OR HE WILL BE SORRY. TEASING CONTINUES, THE PEER GETS UP AND STARTS CHOKING THE INDIVIDUAL. STAFF INTERVENE AND NO INJURY NOTED.
- ▶ AN INDIVIDUAL BECOMES AGGRESSIVE DUE TO HER PEER TURNING THE LIGHT OFF AND ON SEVERAL TIMES. THE INDIVIDUAL JUMPS UP AND WITH BOTH HANDS, SEVERELY SCRATCHES THE PEER ACROSS HER FACE. INDIVIDUAL IS TREATED BY A NURSE PRACTITIONER FOR THE SCRATCHES.
- ▶ AN INDIVIDUAL IS AGITATED AND IS RUNNING THROUGH THE DAY CENTER. A PEER IS IN HIS PATH, SO HE PUSHES HER TO THE FLOOR. THE PEER IS TAKEN TO THE HOSPITAL AND IS DIAGNOSED WITH A BROKEN HIP.



Category: Peer-to-Peer Acts

- ❖ **Verbal Act** by one individual served towards another individual served with intent to threaten, harass, or intimidate. Opportunity and ability to carry out the threat must exist.



Examples of Peer Verbal



- ▶ AN INDIVIDUAL WITH A HISTORY OF BEING AGGRESSIVE TELLS A PEER THAT HE PLANS ON BEATING HIM UP BECAUSE HE THINKS THE PEER IS TRYING TO STEAL HIS GIRLFRIEND.
- ▶ INDIVIDUAL SHOWS HIS DAY HAB STAFF A TEXT MESSAGE SHE RECEIVED FROM A FEMALE PEER. THE TEXT STATES THAT IF SHE DOES NOT LEAVE THE PEER'S BOYFRIEND ALONE THAT SHE WILL BE DEAD SOON.

These are filed due to the purposeful words used to intimidate/threaten with the ability and opportunity to carry out the threat.

****UI**

An individual is upset and tells a peer that he is fat and a loser. This upsets the peer and he cries a little bit, but the DSP assists and later the individual apologizes for saying the mean things. (Name calling is hurtful, but can be handled with a UI investigation, which includes preventive measures.

Category: Peer-to-Peer Acts

- ❖ **Sexual Act** of conduct or contact for the purposes of sexual gratification without the consent of the other individual.



Examples of Peer Sexual

- ▶ AN INDIVIDUAL TOUCHES A FEMALE PEER ON THE BREAST MORE THAN ONCE EVEN THOUGH THE PEER IS ASKING HIM NOT TO. THE INDIVIDUAL TELLS HER THAT HE LIKES HER AND THAT SHE IS PRETTY.
- ▶ THERE IS A MARRIED COUPLE WHO ARE BOTH RECEIVING WAIVER SERVICES. THE WIFE REPORTS THAT HER HUSBAND FORCED HER TO HAVE SEX THE DAY BEFORE.

Category: Peer-to-Peer Acts

- ▶ **Theft** by an individual served by intentionally depriving another individual served of money or personal property in the amount of \$20 or more, or property of significant personal value to the individual.

***If the money may have been misplaced, spent, or lost by the individual, this will remain a UI investigation.*



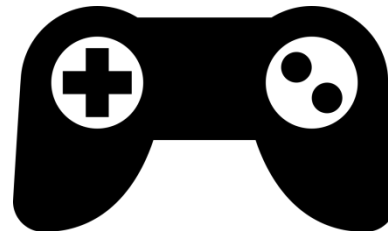
Example Peer Theft:

- ▶ AN INDIVIDUAL KNOWS THAT THE PEER HAS \$20 OR MORE IN THEIR TOP RIGHT HAND DRESSER DRAWER. THE INDIVIDUAL TAKES THE CASH AND HIDES IT OR SPENDS IT WHEN SHE HAS ALONE TIME IN THE COMMUNITY.



Category: Peer-to-Peer Acts

- ▶ **Peer Exploitation** is an individual served unlawfully or improperly using another individual's resources for monetary or personal benefit, profit, or gain.



Example of Peer Exploitation:

- ▶ A PEER KNOWS THAT HIS ROOMMATE ALWAYS SAYS “YES” WHENEVER HE ASKES HIM A QUESTION SO HE ASKED IF HE COULD BUY HIS HANDHELD ELECTRONIC GAME FOR A QUARTER AND THE ROOMMATE AGREES.



Law Enforcement Involvement

- ▶ Charged
- ▶ Incarcerated
- ▶ Arrested or
- ▶ Tased

regardless of where
the incident occurs



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Law Enforcement MUIs/Immediate Actions to Protect

- ❑ Ensure that the incarcerated individual has all necessary medications
- ❑ Ensure that the individual has appropriate court representation
- ❑ Request that vulnerable individuals are separated from the general inmate population as necessary to ensure health and welfare
- ❑ Communicate with team members to develop good prevention plans

FINED!



Attempted Suicide

❖ A physical attempt that results in:

- *ER treatment*
- *Inpatient observation*
- *Hospital Admission*



Suicide Attempt/Immediate Actions to Protect

- ❑ ALL SUICIDE THREATS AND ATTEMPTS SHOULD BE TAKEN SERIOUSLY
- ❑ ENSURE THAT ALL NECESSARY PSYCHIATRIC OR MEDICAL ATTENTION IS PROVIDED
- ❑ COMMUNICATE WITH TEAM MEMBERS TO ENSURE APPROPRIATE FOLLOW-UP SERVICES ARE PROVIDED

Missing Individual

- ❖ The individual cannot be located after searching the immediate area
- ❖ The individual or others are at imminent risk of harm



Examples of Missing Individual

- ▶ The individual is in the backyard sitting in a lawn chair. The DSP is to check on him every 15 minutes but he is now missing when he is checked on after 10 minutes. Due to his lack of pedestrian skills and verbal skills, the individual is at imminent risk.
- ▶ The individual has alone time but cannot be located and is overdue for time sensitive medication administration critical to cardiac health problems.



Category: Death, natural

- ❖ This category is for death other than accidental or suspicious which means the death of the individual is from natural causes.

Remaining MUI Categories

- ❖ The following categories are reported when the incident occurs when the individual is being served by a certified/licensed provider:
 - Medical Emergency
 - Unanticipated Hospitalization
 - Significant Injury
 - Unapproved Behavioral Support
 - Rights Code Violation

Category: Medical Emergency

- ❖ An incident where emergency medical intervention is required to save an individual's life

- ❖ Heimlich maneuver
- ❖ Back blows
- ❖ CPR
- ❖ Use of an epinephrine auto injector
- ❖ Use of an automated external defibrillator



**Was the emergency medical intervention a lifesaving technique that was necessary to prevent the likelihood of death



Medical Emergency/Prevention Plans

- ❑ Ensure that staff are trained on individuals' diet plans, textures, and food restrictions
- ❑ Ensure that staff are trained to call 911 and respond immediately to emergencies
- ❑ Ensure that staff are familiar with allergies/signs and symptoms and know how to respond

Examples of Medical Emergency

- ▶ THE INDIVIDUAL CHOKES ON A HOT DOG AND RECEIVES BACK BLOWS TO CLEAR THE AIRWAY. NO DIETARY RESTRICTIONS WERE NECESSARY AT THE TIME
- ▶ THE INDIVIDUAL WITH A DIAGNOSED HEART CONDITION IS TAKEN TO THE ER FOR TREATMENT OF CHEST PAIN AND DIAGNOSIS CONFIRMS A HEART ATTACK. THE INDIVIDUAL RECEIVES NITRO TABLETS
- ▶ THE INDIVIDUAL IS HAVING MULTIPLE, UNCONTROLLED SEIZURES AND IS TAKEN TO THE ER. ATIVAN IS GIVEN TO STOP THE SEIZURES



Choking Prevention

YOU ARE AN ESSENTIAL PIECE IN CHOKING PREVENTION!

Always make sure that people are served the proper diet texture, receiving supervision, and take precaution with foods/items that are common choking hazards.

When documenting a choking incident, describe the incident, including the items (food/liquid) choked on in **DETAIL**.

What do you do if a person has N.P.O. (nothing by mouth) orders and the physician orders oral medications? If the person has N.P.O. orders or a feeding tube, don't be afraid to speak up! If they have a feeding tube, chances are great the medications by mouth will be problematic.

Category: Unanticipated Hospitalization

- ▶ Any hospital admission or hospital stay over twenty-four hours that is not pre-scheduled or planned. A hospital admission associated with a planned treatment or pre-existing condition that is specified in the individual service plan indicating the specific symptoms and criteria that require hospitalization need not be reported.



Category: Unanticipated Hospitalization

- ▶ Please note!

There is very specific language that needs to be included in an ISP/IHP for a hospital admission to be considered “planned treatment or pre-existing condition”.

Just because the illness is mentioned in the ISP/IHP does NOT mean that it is automatically not an MUI. The ISP/IHP must specifically state:

- the specific symptoms of the condition
- specific criteria that require hospitalization
- treatment plan
- a statement that the team agrees it will not be filed as an MUI

Category: Significant Injury

Known:

--known cause with:

- Bone fracture
- Dislocation
- Serious Sprain
- 5 or more sutures
- Immobilization/casting

Unknown:

--unknown cause
with no suspicion of
abuse/neglect

Injury Prevention

- ❑ All precautions should be taken for individuals who are prone to falls or have a history of falling
- ❑ It is important to protect individuals with sunscreen during summer months
- ❑ Ensure that homes and workplaces are free from hazards that may cause accidents and injuries
- ❑ Ensure that individuals are supervised appropriately at home and in the workplace to ensure health and welfare



Falls Prevention

Falls can be prevented!

- ❑ Get individuals involved in an organized group exercise
- ❑ Ensure a medication review is completed as needed
- ❑ Schedule an eye check up and treatment
- ❑ Follow up with an occupational therapist (OT) to do a walkthrough of the home to identify risks
- ❑ Reduce home hazards by installing grab bars in the bathroom and shower, railings on stairways, and adequate lighting



Category: Unapproved Behavioral Support

- ▶ Definition: The use of a prohibited measure 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 prohibited measure or restrictive measure results in risk to the individual's health or welfare.
- ▶ A hands on restraint *with resistance* and without approval by the human rights committee or behavior support committee or without informed consent

Medication given at the request of the physician for a medical appointment is not considered an MUI. This is done to assist the person through a challenging appointment and is under the supervision of a medical professional. However, the use of sedation for this purpose should be addressed in the Individual's ISP

Hand-over-hand assistance and guiding is considered prompting and would not be reported as an MUI; however, the prompting should be addressed in the individual's plan

YOU SHOULD STILL INTERVENE IN A CRISIS TO ENSURE HEALTH/SAFETY

Unapproved Behavioral Support MUI

- ❑ Behavior support techniques should NEVER be used for staff convenience!
- ❑ Staff should immediately **STOP** any restraint in which an individual is injured or turns to a face down position.

Examples of Unapproved Behavioral Supports

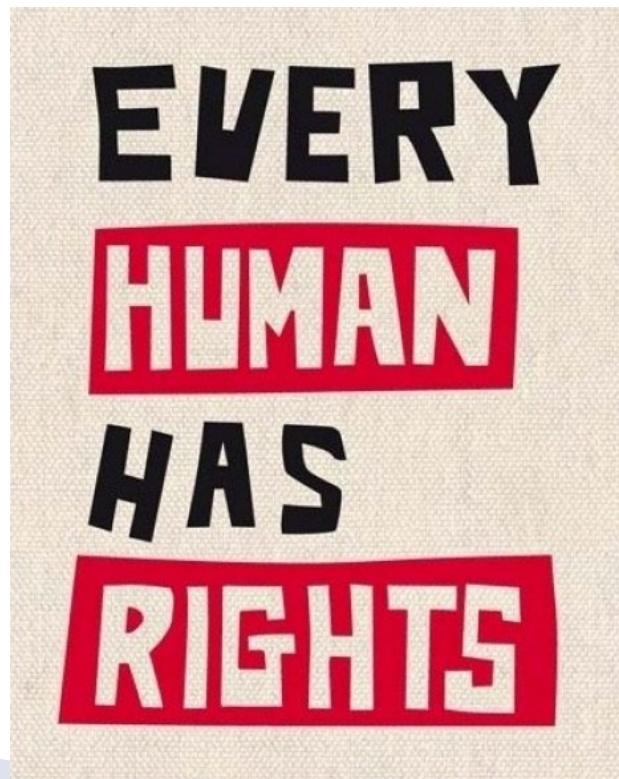
- ▶ Individual is upset and aggressive but agrees to go to his bedroom. DSP stands in front of the bedroom door and when the individual tries to leave his room, the DSP physically bumps into the him and blocks the door, causing him to become upset and he begins punching the wall.
- ▶ DSP/workshop nurse gives medication for behaviors that are ordered for behaviors (not for psychiatric diagnosis) but that are not approved by the behavior support and human rights committee
- ▶ Individual is being aggressive towards others. DSP locks the individual's wheelchair/turns off the power so he can no longer be mobile.

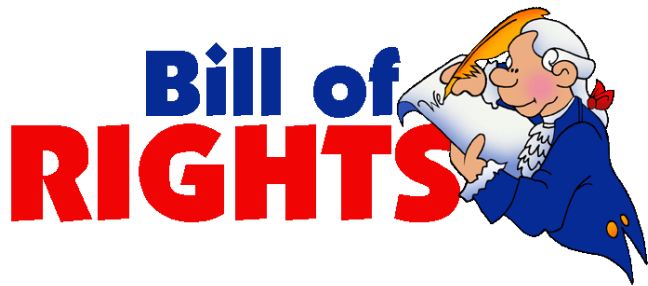
Examples of Unapproved Behavioral Supports

- ▶ The individual is hitting himself and others. The DSP has to hold his wrist due to him being resistive and causing injury to himself. This is a hold and will be filed.
- ▶ Implementing a technique (such as hair or bite release) that utilizes force to pry an individual's fingers or apply pressure to an individual's jaw/body part will be filed.
- ▶ Any restraint that exceeds the length of time for the interventions that were approved in the person's plan will be filed.

Category: Rights Code Violation

- ▶ This is a violation of any rights listed in Ohio Code 5123.62 that creates a likely risk of harm to the health and welfare of an individual





Why do Individuals with DD have rights written into law?

- ❖ History has shown that persons with developmental disabilities have not always been treated well by society and were not always afforded the same rights and protections.
- ❖ The Individuals we serve have not been given special rights, but rather these rights were written into law in 1986 to ensure that people with DD are assured the means to exercise and enjoy the rights that we all do.
- ❖ It is your responsibility as a service provider to individuals with DD to know and understand these rights.

Examples of Rights Code Violation

- ▶ THE DSP TAKES THE INDIVIDUAL TO A MOVIE. HE DOES NOT WANT TO GO AND HE BECOMES UPSET AND BANGS HIS HEAD AGAINST THE WALL
- ▶ THE DSP PADLOCKS THE REFRIGERATOR AND THE INDIVIDUAL SUSTAINS A LACERATION TRYING TO BREAK THE LOCK
- ▶ THE DSP REFUSES TO TAKE THE INDIVIDUAL ON A SCHEDULED ACTIVITY FOR THEIR OWN CONVENIENCE OR PREFERENCE. THE SCHEDULED ACTIVITY IS A RE-ENFORCER FOR POSITIVE BEHAVIOR. THE INDIVIDUAL IS UPSET DUE TO THIS RIGHTS VIOLATION AND BECOMES AGGRESSIVE. LE IS CONTACTED AND THE INDIVIDUAL IS ARRESTED FOR ASSAULT

Administrative (MUI) and Criminal:

- ❖ Mandated referrals are to be made to law enforcement for any incident that is an alleged crime
- ❖ Criminal investigations are completed by law enforcement
- ❖ Intermediate Care Facilities (ICF's) are required to complete investigations according to Federal regulations and submit the report and findings to the Athens County Board of DD
- ❖ MUI investigations in Athens County are completed by an Investigative Agent (IA) through Mid East Ohio Regional Council.



Provider Responsibilities

- ▶ When an MUI occurs:
 - Ensure Health and Welfare by:
 1. Seeking medical treatment as necessary
 2. Removing the PPI from direct contact
 3. Any other action deemed necessary
 - Make required notifications:
 1. Law Enforcement and/or ACCS (if applicable)
 2. Guardian (if individual has one) the same day of incident
 3. Any other provider to ensure continuity of services
 4. Notify ACBDD On-Call or MUI Coordinator within 4 hours of incident and send written incident report to MUI Coordinator by 3:00 p.m. (preferably by 10:00 a.m.)

General Requirements

- ▶ ALL DD employees are required to cooperate with any MUI investigation. This includes independent and agency providers.
- ▶ Providers and county board staff must respond to information within timeframes requested
- ▶ IA submits investigation report to County Board MUI Coordinator within 30 days, unless an extension is requested.

DODD Directed Investigations

DODD shall conduct investigations when allegation is against:

- ▶ Superintendent of a CB or Developmental Center
- ▶ Executive Director or equivalent of a COG
- ▶ Management employee who reports to the Superintendent or Executive Director
- ▶ An Investigative Agent
- ▶ A SSA
- ▶ A MUI Contact for a County Board
- ▶ A current member of a county board
- ▶ IA's known relationship with any of the above that may present a conflict of interest
- ▶ CB employee who is alleged to be responsible for individual's health, has committed sexual abuse, engaged in prohibited sexual activity, or committed physical abuse or neglect resulting in ER treatment or hospitalization

MUI Training

- ▶ All direct support staff shall receive training prior to direct contact with an individual and annually thereafter.



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- ▶ Staff other than direct care shall receive training within the first 90 days of employment and annually thereafter.



Health and Welfare Alerts

- ❑ The Ohio Department of DD offers a subscription service to alert people when new Information Notices and Alerts are published. The email Information Notice Alert will contain a copy of the new or updated Information Notice as well as a link to the department's archive of Information Notices on the Internet.
- ❑ To Subscribe to the Notices visit the DODD website or send email to join-info.notice@list.dodd.ohio.gov.
- ❑ These alerts can also be found on the DODD website.

DODD MUI Hotline
1-866-313-6733
www.dodd.ohio.gov

ACBDD

Emergency On-Call (24-Hours)
740-447-0710

MUI Coordinator (Business Hours)
740-541-9590

DODD Contact

Ohio Department of Developmental Disabilities
(DODD) website:

www.dodd.ohio.gov

Click on Health & Welfare tab

The Health and Welfare Toolkit includes
training materials and forms for your use