

**MUI RULE OAC 5123:17:02
INTERPRETIVE GUIDELINES**

MUI means the 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 an individual may be placed at a reasonable risk of harm.

For persons served by the DD system or that will be served as a result of the incident, MUIs are filed in all cases of Death, Attempted Suicide, a Missing Individual, Law Enforcement, Abuse, Neglect, Exploitation, Misappropriation, Prohibited Sexual Relations, Peer-to-Peer Acts and Failure to Report. Other categories of MUIs such as Medical Emergency, Rights Code Violations, Significant Injury, Unapproved Behavioral Support, and Unanticipated Hospitalizations are only filed when the incident occurs with a DD licensed or certified provider or in a county board operated program.

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<p><u>DEATH- ACCIDENTAL OR SUSPICIOUS DEATH</u></p> <p>TYPE/DEFINITION</p> <p>Accidental or suspicious death means the death of an individual resulting from accidental or suspicious circumstances.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Person must meet the criteria of being served. 2. A Protocol A investigation should be completed. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Choking 2. Drowning 3. Fire 4. Suicide 5. Homicide 6. Motor Vehicle Accidents 7. Falls 8. Drug overdose 9. Suffocation – SIDS
<p><u>EXPLOITATION</u></p> <p>TYPE/DEFINITION</p> <p>The unlawful or improper act of using an individual or an individual’s resources for monetary or personal benefits, profits, or gain.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Is the individual used in some way for personal benefit, profit, or gain? 2. Was the individual a willing participant? 3. DSP allows the individual to purchase their lunch, and the DSP borrows money on a regular basis, even if they pay the individual back would be filed as an allegation of exploitation. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. DSP has an individual stand outside of the mall collecting donations with a bucket stating, “Please support Special Olympic Athletes”. At the end of the day, the DSP pockets the money. 2. Individual is believed to be a victim of Human Trafficking. If the PPI is a paid provider of service, please file as abuse and contact your Regional Manager. 3. DSP is always talking about how poor she is and how she cannot afford to buy Christmas presents for her grandchildren. The individual is very nice and gives the DSP person \$500 so she can buy presents for the kids. 4. A "friend" that the individual met online has an individual co-sign for a loan even though the individual doesn't understand what he/she is signing for. 5. DSP takes an individual to their home and has him move furniture all day. The individual does not receive fair compensation and states he didn't want to be there at all. 6. The Pastor of the Church where the individual attends, has the individual clean the church for 6 hours and gives the individual a bottle of water and \$.50 cents. 7. Individuals are asked to purchase Avon from the Home Manager, who is a sales consultant.

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<p><u>FAILURE TO REPORT</u></p> <p>TYPE/DEFINITION</p> <p>A person, who requires 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, misappropriation, or exploitation that results in a risk to health and safety, welfare 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 the department. Pursuant to division (C)(1) of section 5123.61 of the Revised Code, such report shall be made to the department and the county board when the incident involves an act or omission of an employee of a county board.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. May also be a criminal act that needs reported to law enforcement. 2. Registry: DD employee unreasonably failed to report and knew or should have known not reporting would result in a substantial risk of harm for the individual because the individual was placed in the situation again. <p>Those people required to report:</p> <ol style="list-style-type: none"> a. An employee of the department; b. A superintendent, board member, or employee of a county board; c. An administrator, board member, or employee of a residential facility licensed under section 5123.19 of the Revised Code; d. An administrator, board member, or employee of any other public or private provider of services to an individual with a developmental disability; or e. An independent provider. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Individual at work reports home DSP keeps hitting his legs with a broom handle. Discoloration and red marks are noted on his calves. Workshop DSP does not report the incident and the individual is allowed to go home after work. 2. Individual reports to her home DSP that workshop DSP punched her on the back of the head 3 times prior to departing on the bus. Home DSP does not believe it occurred and tells no one. 3. Individual goes to workshop and tells DSP her roommate hits her and tells her she is going to beat her up when no one is around. DSP failed to report, leaving the individual at continued risk of harm. 4. Individual tells his new second shift DSP that a peer has been coming into his room at night and raping him. Individual asks the DSP to keep this confidential because he is embarrassed and is afraid to report this. He asks the DSP to keep his promise. The DSP goes home when their shift is over without reporting.
<p><u>MISAPPROPRIATION</u></p> <p>TYPE/DEFINITION</p> <p>Depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the Revised Code, including Chapters 2911. and 2913. of the Revised Code.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Was there intent to deprive or defraud? 2. Value of the item does not matter. 3. Length of time, if replaced, does not matter. 4. Were items or money taken from the individual? 5. Does the property belong to the individual? 6. Is there reason to believe the money or item was taken? 7. Identity theft is to be filed as Misappropriation. Misappropriation should be filed even when the individual is not out of funds; however, their identity has been stolen. This includes fraudulently filing taxes. 8. When the county board suspects theft.

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9. Misappropriation should not be filed when a purchase can be verified, but the receipt is missing.
10. If an individual is missing an iPad, check to see where else it might be. A misappropriation would be filed if it is believed the item was stolen.
11. It is theft when it is believed the item/cash has been stolen.
12. Was supervision being provided according to the service plan?

EXAMPLES

1. The individual's bank account shows several unauthorized withdrawals.
2. The individual's certificates of deposit (CD's) are withdrawn/cashed without individual's knowledge.
3. Sister gets a cellular phone with the individual's identification and then runs up the bill with personal calls.
4. Friend uses the individual's ATM card to make unauthorized cash withdrawals. Due to an inventory inspection, there is an allegation the DSP is taking some of the groceries to their home when returning from the grocery store. The allegation states the DSP may be eating the individual's food without permission.
5. Individual's brother is using the individual's identity to get utilities in his name.
6. DSP is seen taking four (4) pairs of jeans out of the individual's closet and placing them in her car.
7. Allegation is that the individual's aunt is filing taxes for him without his approval. The individual does not live with the aunt; however, she is keeping the money she receives from the government.
8. There is \$314 unaccounted for when balancing the checkbook. Receipts are missing, and the individual denies making or authorizing any purchases; theft is alleged.
9. Staff borrowing money (with individual's permission) and doesn't pay back.
10. Individual had dental surgery two days ago and was prescribed pain medication as needed. When DSP opens the pill-container they find only 2 pills left and there should be 8-10 pills in the container.
11. DSP assists the individual with purchasing multiple gift cards, so the individual can give them out as Christmas presents. The gift cards are placed in the lock box on November 29. It is now December 20, and no one knows where the gift cards are.
12. It was discovered someone used the individual's name and SS number to open a credit card account without the individual's knowledge and \$2,199 was charged to the account.

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When there is a duty to do so, failing to provide an individual with a 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.

PROBES

1. When filing a neglect MUI, it is important to know what the risk of health and welfare is to the individual(s).
2. Risk of legal sanctions.
3. Does the person have a duty to provide care and it was not provided?
4. Was the service plan reviewed to identify the risk?
5. If the neglect is criminal, then law enforcement (LE) and CSB (for an individual under the age of 21) should be contacted.
6. Allegations of extreme weight loss or gain, teeth issues that involve infection, and poor podiatry care that results in a health and welfare concern.
7. Neglect requires risk of serious harm or injury.
8. Was there a delay in medical care with serious risk of harm?

EXAMPLES

1. An individual had a seizure disorder and is placed in a warm bath and is left alone while DSP goes out to smoke a cigarette.
2. DSP failed to secure an individual's wheelchair on the bus and when the bus stops, the individual tips over.
3. The individual's diet requires all food to be cut into dime-sized pieces and DSP gives the individual a slice of pizza.
4. An individual with a history of eloping is left alone in a vehicle.
5. The regular 3rd shift DSP calls off to the on-call manager. The on-call supervisor did not secure coverage and the 2nd shift DSP left although no one came to replace him. This places the individual(s) at risk of serious injury.
6. Individual with constant supervision for aggression against others is left alone in the living room with other housemates while DSP takes an extended break outside the home, resulting in a risk of serious injury.
7. The transportation DSP drops an individual off at home without ensuring the home DSP is there to receive them. Due to severe medical conditions, this individual requires DSP support at all times and places the individual at risk of serious injury.
8. DSP is texting while driving individuals.
9. Individual had a change in their diet plan and the SSA failed to update the service plan and communicate to all service providers.
10. Staff do not implement the service plan and individual is arrested or placed at risk of serious injury.
11. Sexual Offender was not provided supervision and then hurt someone as a result.

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PHYSICAL ABUSE

TYPE/DEFINITION

Means the use of physical force that can be reasonably 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.

PROBES

1. The level of force could easily result in harm.
2. Physical harm, injury, or illness regardless of its gravity or duration.
3. Law enforcement (LE) or Children Services is contacted when the situation is an alleged crime.

EXAMPLES

1. The care provider allegedly slaps the individual in the face.
2. DSP (Direct Support Professional) pulls the individual's arm behind the individual's back, dislocating the individual's shoulder.
3. DSP throws a wooden handle brush at the individual hitting the individual's forehead.
4. A neighbor is seen kicking an individual repeatedly in the back.
5. A janitor roughly pushes the individual against a locker, causing the individual to hit his head on the locker.
6. Teacher noted what appears to be cigarette burns on a 7-year-old individual's shoulder blades.
7. Individual, who is 23 years old, comes to the day-hab and reports that his mom, whom he lives with, hit him on his hand (knuckles) with a large metal spoon. The individual states, "it hurt really bad", and the individual has some red marks on his knuckles.
8. Individual is walking home after getting off the bus when he is beat up by 3 young men who he has never seen before.
9. An individual alleges the DSP placed their knee in his back.
10. DSP throws a punch at the individual, the individual ducks the punch.
11. During a 2-person escort the individual turns his head toward the DSP and spits in his face. The DSP then takes the individual's arm and twists it behind his back and puts pressure on the arm. The individual yells out that his arm hurts and he is sorry. The co-worker assisting with the escort tells the DSP he needs to stop before he hurts the individual.
12. There is an altercation between a 14-year-old unserved - student at South High and a 15-year-old served student in the hallway. The 14-year-old is overheard calling the 15-year-old names and seen punching him in the face. The 15-year-old was heard repeatedly asking him to stop hurting him.

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<p><u>PROHIBITED SEXUAL RELATIONS</u></p> <p>TYPE/DEFINITION</p> <p>A Developmental Disabilities (DD) employee engages 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.</p>	<p>PROBES</p> <p>Developmental Disabilities employees who are employed or under contract to provide care to individuals or are in supervision chain of individual.</p> <p>EXAMPLES</p> <ol style="list-style-type: none"> DSP observed a coworker with an individual in a passionate kiss. Individual reports that he loves his 2nd shift DSP and they have been having sex. He wants to marry her. Individual shows her home DSP a text she received from her workshop DSP. The text is from a male DSP that is sending pictures of his penis and he is asking her if she is a good lover. The individual reports that she has sex with the male DSP but feels bad because she knows he is married.
<p><u>RIGHTS CODE VIOLATION</u></p> <p>TYPE/DEFINITION</p> <p>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.</p>	<p>PROBES</p> <ol style="list-style-type: none"> Did the act create a likely risk of harm? Rights restrictions implemented without HRC approval would be an UI unless there is risk to health and welfare. Did the act result in a UBS or staff redirecting the individual in any way? <p>EXAMPLES</p> <ol style="list-style-type: none"> DSP takes the individual to a movie, he does not want to go, and he becomes upset and bangs his head against the wall. DSP padlocks the refrigerator, and the individual sustains a laceration trying to break the lock. DSP refuses to take the individual on a scheduled activity for their own convenience or preference. The scheduled activity is a reinforcer for positive behavior. The individual is upset due to this right violation and becomes aggressive. Law enforcement is contacted, and the individual is arrested.
<p><u>SEXUAL ABUSE</u></p> <p>TYPE/DEFINITION</p> <p>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. of the Revised Code (e.g., public indecency, importuning, and voyeurism) when the sexual conduct, sexual contact, or act involves an individual.</p>	<p>PROBES</p> <ol style="list-style-type: none"> Contact involves touching of any erogenous zone of another, including without limitation to the thigh, genitals, buttocks, pubic region, or if the purpose of sexually arousing or gratifying either person. Conduct includes oral sex and penetration including digital or with objects. Law enforcement or CSB shall be contacted. <p>EXAMPLES</p> <ol style="list-style-type: none"> The DSP sends a picture of his penis through a text message to an individual served. DSP is masturbating in front of an individual.

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<p><u>SEXUAL ABUSE CONTINUED</u></p>	<ol style="list-style-type: none"> 3. An individual alleges DSP made the individual touch the roommate's "private area". While the DSP watched and touched himself. 4. It was reported a bus driver was witnessed stroking the thigh of an individual served who is 12 years old. The witness believes this was done for sexual arousal of the driver. 5. DSP is reported to be fondling an individual's breast. 6. Individual reports her husband is forcing her to have sex. The husband is not served by DODD. 7. A female individual is reporting her mom's new boyfriend that lives with them has been touching her private areas when her mom is at work. She does not like to be alone with him due to how he looks at her and touches her.
<p><u>VERBAL ABUSE</u></p> <p>TYPE/DEFINITION</p> <p>Using words, gestures, or other communicative means to purposefully threaten, coerce, intimidate, harass, or humiliate an individual.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. What was the intent of the words or gestures along with individual's reaction? 2. What specific words were used? 3. Were the words threatening, coercive, intimidating, harassing, or humiliating to the individual? 4. Threatening words or pictures that are sent through communication means should be filed as a MUI. 5. There may be times when texting or sending messages through electronic means will rise to the level of menacing and law enforcement needs to be notified. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. The individual alleges their father threatened to punch him if he did not do the dishes. 2. DSP is upset with the individual and smacks persons hands down twice but there is not enough physical force to meet physical abuse criteria. 3. DSP tells the individual, "If you don't go to bed right now, I'll kick your butt". The individual is agitated and is being verbally redirected by DSP. Individual starts spitting at DSP. Male DSP is heard telling the individual if he spits at him one more time he will get knocked out. DSP states that he doesn't get paid enough to put up with this. 4. DSP reports a co-worker yelling at individuals, swearing and calling them derogatory terms. 5. An employee who is on administrative leave due to an allegation made by an individual is now on Facebook stating, if she gets fired because of the lies the individual is saying, she is coming to the house and beating up the individual for lying. The Individual is now reporting this DSP is texting and threatening her for telling on her. 6. Staff takes an unflattering photo of individual (e.g. individual is unclothed, emotionally distressed, angry and/or confused)

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<p><u>VERBAL ABUSE CONTINUED</u></p>	<p>and posts it on social media (i.e. Facebook, Twitter, Instagram).</p> <ol style="list-style-type: none"> An individual reports a DSP is texting her and asking if she will have sex with him. Her text back says that she does not like him, but he continues to ask for sex through the text messages. Staff sprays individual in the face with water as a way to coerce them into getting out of bed and doing their chores.
<p><u>ATTEMPTED SUICIDE</u></p> <p>TYPE/DEFINITION</p> <p>A physical attempt by an individual resulting in emergency room treatment, inpatient observation, or hospital admission.</p>	<p>PROBES</p> <ol style="list-style-type: none"> Did the individual make an actual physical attempt that resulted in: <ol style="list-style-type: none"> In-patient observation Hospital admission Receives treatment at the ER. No harm is required. When an individual has the will and means to commit suicide, this should be a red flag for the team and preventive measures need to be in place with extensive training for the DSP. <p>EXAMPLES:</p> <ol style="list-style-type: none"> After the individual states she is going to kill herself, she stabs herself with scissors and is hospitalized for a puncture wound. The individual tries to hang himself and is admitted to the psychiatric hospital. The individual jumps off a fire escape onto the paved road below after threatening to kill himself and is admitted to the hospital with a broken leg.
<p><u>DEATH/OTHER THAN ACCIDENTAL /SUSP</u></p> <p>TYPE/DEFINITION</p> <p>Death of an individual by natural causes without suspicious circumstances.</p>	<p>PROBES</p> <p><u>Status A</u></p> <p>Individual's whose residence was with entities under the jurisdiction of ODH for at least a month – Nursing Homes, CareStar/CareSource, or PCG.</p> <ol style="list-style-type: none"> Copy of the death certificate /Autopsy /Coroner Report/Supp. Med. Cert. (was the coroner notified). Location of death (e.g., emergency room, hospital inpatient, home, nursing home). Whether the death was expected or unexpected. (DNR, Type, Date issued) What DD services were the individual receiving? (Provide reason death was reported to DODD). <p>Examples (Status A):</p> <ol style="list-style-type: none"> Death Certificate and Autopsy report received and forwarded to DODD MUI unit. (i.e. Coroner was notified of death on 3/14/16 by the county board.) Jane passed away in her room at Sunny Acres Nursing Facility. Jane's death was expected as she had been permanently discharged to Sunny Acres from her I/O wavier home on 12/31/15.

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/SUSP- CONTINUED**

3. She had a DNR-CC that was signed on 12/30/15 due to her diagnosis of Sepsis.
4. Jane had dis-enrolled from the county board workshop and SSA follow up only.

**PROBES
Status B**

Cases involving children and adults who live at home and have access to health care or live in the community with no waiver or have less than 20 hours of services weekly. (Access to health care is defined as having access to a primary care physician or advanced practice nurse on some recurring basis--at least annually.) Note there is a statutory requirement (ORC 307.621) for all children less than 18 years of age to be reviewed by local counties.

1. Copy of the death certificate/Autopsy/Coroner Report/Supp. Med. Cert. (was the coroner notified)
2. Location of death (e.g. emergency room, hospital inpatient, home, nursing home).
3. Whether the death was expected or unexpected. (DNR, Type, Date issued)
4. What DD services was individual receiving?
5. Description of 72 hours prior to hospitalization or Death. (e.g. events, activities).

Example (Status B)- Description of 72 Hours:

1. If the individual died while in the hospital – enter information for 72 hours prior to hospitalization.
2. Jack passed away on January 1st after a lengthy hospital stay. (Note - if the individual died while in the hospital, the hospitalization should have been closed out and a new Death MUI opened.) Jack was admitted to the hospital for CHF on December 15th. On December 12th he appeared to be short of breath when he would walk around the house and indicated that he was just tired.
3. 13th - He didn't have much energy and appeared to be wheezing and did not want to participate in many activities but indicated that he was okay.
4. 14th - Jack was coughing and appeared to be confused when he was asked questions. The DSP contacted the physician.
5. If the individual was not hospitalized prior to death – enter information for 72 hours prior to death.

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**DEATH/OTHER THAN ACCIDENTAL
/SUSP- CONTINUED**

PROBES

Status C

Person(s) who died of cancer or were in a hospice program at the time of death;

1. Copy of the death certificate/Autopsy/Coroner Report/Support Med. Cert (was the coroner notified).
2. Location of death (e.g. emergency room, hospital inpatient, home, nursing home).
3. Whether the death was expected or unexpected. (DNR, Type, Date issued)
4. What DD services was the individual receiving?
5. Description of 72 hours prior to hospitalization or death. (e.g. events, activities)
6. If individual died in Hospice or died of cancer, please include pertinent past medical treatment indicating the health care screening that was conducted and dates and results of health care screenings (cancer screenings).
7. An individual living in an ICF or residential setting has been ill and when he is discharged from the hospital, he is placed permanently in a nursing home. He dies after residing there for at least 30 days.

EXAMPLES

Status C – Hospice Cases

If the individual lived in an ICF or a 24/7 residential setting and/or had a waiver in which they received more than 20 hours of service per week within a month of moving into a hospice setting (or received in home hospice care) and passed away, please answer the 12 questions under "Status D".

1. When were the Hospice services started?
2. For what diagnosis/condition were they referred to hospice.

Status C – Cancer Cases:

1. Please include all screenings and the dates they were conducted. What type of cancer the individual had and when it was diagnosed, were they undergoing treatment, or did they refuse?
2. If an individual had cancer or was receiving hospice care for a condition other than the cause of death, Status D questions must be answered.

PROBES

Status D

12 death questions (All other deaths not covered in the above categories):

1. Copy of the death certificate/Autopsy/Coroner Report/Supp. Med. Cert. (Was the coroner notified?).
2. Location of death (e.g. emergency room, hospital inpatient, home, nursing home).

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<p><u>DEATH/OTHER THAN ACCIDENTAL /SUSP- CONTINUED</u></p>	<ol style="list-style-type: none"> 3. Whether the death was expected or unexpected. (DNR, Type, Date issued). 4. What DD services was the individual receiving? 5. Description of 72 hours prior to hospitalization or death. (e.g. events, activities). 6. If the individual died in Hospice or died of cancer, please include pertinent past medical treatment indicating all health care screenings that were conducted, along with the dates and results of each health care screening (cancer screenings). 7. Law enforcement investigations. 8. Med/Psych Diagnosis prior to Death. Please list all diagnosis. 9. Medications (name, dosage, and how it was received) the individual was taking prior to Death or hospitalization if the death occurred during hospitalization. 10. Past Medical History. (List all) 11. Name of Primary Physician 12. All Aspiration, all Pneumonia, and/or all Respiratory Failure Cases if the individual was not receiving any active services other than limited SSA due to being on a waiting list, a non-served entry should be completed. <p>EXAMPLES (Status D)</p> <p>Past Medical History:</p> <ol style="list-style-type: none"> 1. List previous surgeries or medical treatments. 2. List previous illnesses (pneumonia's) and chronic medical problems. 3. Date of the most recent pneumonia vaccine and influenza vaccine. 4. Most recent height and weight. <p>All Aspiration, Pneumonia, or Respiratory Failure Cases:</p> <ol style="list-style-type: none"> 1. What was the diet texture? 2. Was the diet followed? 3. Date of the most recent swallowing study. 4. How did the individual receive their medications?
<p><u>MEDICAL EMERGENCY</u></p> <p>TYPE/DEFINITION</p> <p>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.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Was the medical condition one of a sudden onset? 2. Were any emergency medical interventions given, such as abdominal thrusts, back blows, CPR, AED and/or Epi Pen administered by DD staff? 3. Was the emergency medical intervention a lifesaving technique that was necessary to prevent the likelihood of death? 4. Was the emergency medical intervention performed by a DODD licensed or certified staff? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. The individual is on the bus traveling from the workshop to the residence and suffers an apparent heart attack; CPR is performed by the bus aide.

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<p><u>MEDICAL EMERGENCY CONTINUED</u></p>	<ol style="list-style-type: none"> 3. The individual chokes on a hotdog and the DSP performs abdominal thrusts to clear the airway. 4. The individual has overdosed, and Naloxone (Narcan) is required and administered by a DD staff.
<p><u>MISSING INDIVIDUAL</u> TYPE/DEFINITION 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. An incident when an individual's whereabouts are unknown for longer than the period of time specified in the individual service plan that does not result in imminent risk of harm to self or others shall be investigated as an unusual incident</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Was appropriate supervision provided to the individual? 2. What is the risk to Health and Welfare? 3. Imminent risk examples for the individual and others could be sex offender, medication dependent, fragile health, Dementia, MH/Dual Diagnosis, History of Aggression, and/or poor pedestrian skills. 4. If not needed in an ISP, are there other circumstances that make immediate discovery of whereabouts of the individual critical to the health/safety of the individual? 5. Other risk factors include the neighborhood and the weather. 6. The individual is in the backyard sitting in a lawn chair. DSP is to check on him every 15 minutes, but he is now missing when he is checked on. Due to his lack of pedestrian skills and skills the individual is at risk. 7. The individual is overdue for time sensitive medication administration critical to cardiac health problems.
<p><u>PEER-TO-PEER ACTS</u> TYPE/DEFINITION One of the following incidents involving two individuals served.</p>	<p>PROBE Was supervision being provided according to the service plan?</p>
<p><u>PEER-TO-PEER EXPLOITATION</u> TYPE/DEFINITION The unlawful or improper act of using in individual or individual's resources for monetary or personal benefits, profits, or gain.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. When one served individual takes advantage of a peer for their own personal benefit or gain. 2. Was supervision being provided according to the service plan? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. A peer knows his roommate always says, "yes" whenever he asks him a question. So, he asked if he could buy his handheld electronic game for a quarter and the roommate agrees.

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<p><u>PEER-TO-PEER THEFT</u></p> <p>TYPE/DEFINITION</p> <p>Intentionally depriving another individual of real or personal property in the amount of valued at twenty dollars or more or property of significant personal value to the individual.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Is the misappropriation amount \$20.00 or more or is item considered of significant value to the individual? 2. Did the individual have intent to deprive and defraud? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Individual knows the peer has \$20 or more in their top right-hand dresser drawer. Individual takes the cash and hides it or spends it when they have alone time in the community. 2. Individual knows his roommate (peer) loves his LA Dodger baseball cap. Individual steals the hat and refuses to tell anyone where the hat is. This upsets the peer because they love that hat, and they wear it every day. This would be an allegation of theft, due to the hat having significant value for the owner and the peer is depriving the individual of the item. 3. UI Section: Individual steals an old Play Station game from his roommate. The game is not worth more than \$11 dollars. [This would not be a MUI]. This would be an Unusual Incident and would require an UI Investigation.
<p><u>PEER-TO-PEER PHYSICAL ACT</u></p> <p>TYPE/DEFINITION</p> <p>Physical act which means a physical altercation that:</p> <ol style="list-style-type: none"> a. Results in examination or treatment by a physician, physician assistant, or nurse practitioner; or b. Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion, or biting which causes breaking of the skin; or c. Results in an individual being arrested, incarcerated, or the subject of criminal charges. 	<p>PROBES</p> <ol style="list-style-type: none"> 1. Strangulation: pressure around front of neck to restrict air flow. 2. Please note an individual has the right to notify law enforcement and to file charges against a peer even when the county board does not feel it is criminal. 3. Peer-to-Peer Act does not have a PPI or a victim. It is an act that occurs between two individuals served. Immediate action, cause and contributing factors and a prevention plan should be the result of the MUI investigation. 4. Does the county board feel that this is an alleged crime? Alleged Crimes must be reported to law enforcement. 5. Was supervision being provided according to the service plan? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Individual is asking to leave his bedroom due to the fire drill. He is very upset and is yelling and trying to hit DSP. As they assist him out of the house he swings and hits 3 peers and one of the peers has a bloody lip. 2. 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 strangling the individual. 3. An individual is taken to the emergency room to be checked out based a peer-to-peer physical act (i.e. hit to head-possible concussion) and concerns for the Individuals health.

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<p><u>PEER-TO-PEER PHYSICAL ACT</u> <u>CONTINUED</u></p>	<ol style="list-style-type: none"> 4. Two male individuals get into an argument at the workshop. Individual A pushes Individual B. Individual B punches Individual A in the nose causing it to bleed. 5. Individual is agitated and is running through the workshop; an individual is in his path, so he pushes her to the floor. The female individual is taken to the hospital and diagnosed with a broken hip. 6. Individual has been telling peers that he plans to beat up a male peer because he has seen him talking to his girlfriend. The individual has a known history of being aggressive towards others. A few days later the peer is found in the bathroom with a black eye and claims that a peer did this to him. This should be filed as a peer-to-peer act and reviewed as a possible crime that law enforcement notification would be needed. 7. Individual strangled his roommate. 8. Individual reaches in front of a peer who bites him on the arm, causing an open wound. 9. Individual is pushed down by a peer and hits his head extremely hard. There are no visible injuries noted but the individual is taken to the doctor to get checked out.
<p><u>PEER-TO-PEER SEXUAL ACT</u></p> <p>TYPE/DEFINITION</p> <p>Sexual conduct and/or contact for sexual gratification without the consent of the other individual.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Was the supervision an issue related to the incident. 2. Is the sexual act consensual? 3. Is the sexual act for sexual gratification? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Individual touches a female peer on the breast more than once even though the peer is asking him not to. The individual tells her he likes her, and she is pretty. 2. DSP walks in on two individuals in the workshop restroom in the same stall. One of the individuals does not communicate verbally and appears to be very upset while the other individual has his hand down his pants. Both are to be supervised in the restroom [Neglect may also be filed]. 3. There is a married couple who are both receiving waiver services. The wife reports that her husband forced her to have sex yesterday. 4. While an individual is sleeping a peer rubs the individual's feet while he masturbates. 5. While riding to their community jobs, one peer leans over and kisses the other on the mouth. The other individual tells him to stop, but he does not and forcefully kisses her again which makes the individual cry. 6. If an individual is being asked to send nude pictures to the cell or through social media, a peer-to-peer exploitation should be filed. 7. Was supervision being provided according to the service plan?

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<p><u>PEER-TO-PEER VERBAL ACT</u></p> <p>TYPE/DEFINITION</p> <p>The use of words, gestures, or other communicative means to purposefully threaten, coerce, or intimidate the other individual when there is the opportunity and ability to carry out the threat.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Is the verbal act purposeful? 2. Does the individual who is displaying the verbal act have the ability or opportunity to act on the threat? <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. 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. [This would be filed as verbal act due to purposeful use of words to intimidate, threaten, with ability and opportunity.] 2. 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 DSP assists and later the individual apologizes for saying the mean things. [This is a UI; was there a staff person to redirect; name calling is hurtful but can be handled with a UI investigation. Immediate actions, cause and contributing factors and a prevention plan should assist with this incident and prevent reoccurrence.] 3. Individual shows his workshop DSP the text message she received from a female peer. The text states that if she does not leave the peers boyfriend alone that she will be dead soon. This should be filed as a verbal peer-to-peer act MUI.
<p><u>SIGNIFICANT INJURY</u></p> <p>TYPE/DEFINITION</p> <p>An injury to an individual of known or unknown cause that is not considered abuse or neglect and that results in a concussion, broken bone, dislocation, second or third-degree burns, requires immobilization, casting, and/or five or more sutures. Significant injuries shall be designated in the Ohio Incident Tracking and Monitoring System as either known or unknown cause.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Not considered abuse or neglect. 2. Results in injuries requiring a total of 5 or more sutures or staples. Broken bones, regardless of treatment, dislocation, serious burns, altered level of consciousness from an injury or any other serious injury. 3. Injury that requires immobilization or casting. 4. Dental Injury that results from a fall that requires treatment from a dentist. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. The individual sustains a laceration on the left arm that requires 5 stitches and the cause of the laceration is unknown. 2. The individual states he fell down the basement stairs and broke his toe. 3. The individual sustains a large 2nd degree burn on her neck from using a curling iron. The burn is treated by a physician. 4. The individual sustains a laceration to the head requiring 5 staples for closure and resulted from a fall observed by DSP. 5. The individual sprains her ankle while playing basketball; a soft cast is put on for immobilization and individual is ordered by the doctor to stay off foot for 5-7 days.

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<p><u>SIGNIFICANT INJURY CONTINUED</u></p>	<p>6. An individual is walking fast to get into the swimming pool and slips on the wet surface. The individual falls to the ground and hits his face on the pavement. The individual has his two front teeth knocked out. The DSP puts the teeth in milk and transports the individual to the dentist for medical treatment. (If the example had been that individual woke up with a slight chip on his tooth, this would be considered an UI.)</p>
<p><u>LAW ENFORCEMENT</u></p> <p>TYPE/DEFINITION</p> <p>Any incident that results in the individual served being tased, charged, incarcerated, or arrested</p>	<p>PROBES</p> <p>Appendix C Investigation;</p> <ol style="list-style-type: none"> 1. Was the individual, charged, incarcerated or arrested? [CIA] 2. Needs to be filed whether individual is with a provider or not. 3. Probation violations are Unusual Incidents. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. Individual is arrested for shoplifting when he pocketed sunglasses while grocery shopping. 2. DSP learns that an individual was arrested for dealing drugs in his neighborhood while DSP was not present. 3. Individual receiving limited services tells his SSA he was charged with public intoxication and needs to see the Judge next Tuesday. 4. Police show up to an individual's home and while there, tase the person. The police never charge, incarcerate or arrest the person and then leave. This should be filed as a law enforcement MUI based on the seriousness of the incident, risk to individual and involvement by law enforcement.
<p><u>UNANTICIPATED HOSPITALIZATION</u></p> <p>TYPE/DEFINITION</p> <p>"Unanticipated hospitalization" means any hospital admission or hospital stay over twenty-four hours that is not pre-scheduled or planned.</p> <p>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 which require hospitalization need not be reported.</p>	<p>PROBES</p> <p>Appendix C Investigation;</p> <ol style="list-style-type: none"> 1. Time spent in the ER/hospital exceeding 24 hours is an Unanticipated Hospitalization MUI. 2. Any admittance to the hospital, even if it is less than 24 hours. 3. Time starts upon arrival at ER. 4. Is the hospitalization to treat an exacerbation of a previously identified medical condition requiring immediate hospital admission not addressed in the ISP? 5. If the criteria for hospital admission with existing conditions are clearly defined in the ISP, it is not a MUI. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. The individual has a history of high blood pressure but was hospitalized unexpectedly due to pneumonia. 2. The individual reports severe pain and is admitted for surgery to remove kidney stones. 3. The individual has labored breathing and a rapid heartbeat and is admitted to hospital with a diagnosis of pneumonia.

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<p><u>UNANTICIPATED HOSPITALIZATION CONTINUED</u></p>	<ol style="list-style-type: none"> 4. The individual is lethargic and unsteady, goes to the ER and is hospitalized for a possible medication error. 5. Individual complains of chest pains, goes to the hospital and is admitted. 6. An individual goes to the hospital and is kept 24 hours or longer for observation.
<p><u>UNAPPROVED BEHAVIORAL SUPPORT</u></p> <p>TYPE/DEFINITION</p> <p>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. When use of the prohibited measure or restrictive measure does not result in risk to the individual's health or welfare, the incident shall be investigated as an unusual incident.</p>	<p>PROBES</p> <ol style="list-style-type: none"> 1. Physical restraint without HRC approval. 2. If a crisis restraint is used, the investigation should have documentation to show the DSP was trained on the crisis restraint used. 3. Any restraint in a prone (face down) position is considered an Unapproved Behavioral Support (UBS). 4. If the individual is in a restraint and rolls to their stomach and the staff immediately disengage this would not be considered a prone restraint but may be considered a UBS. 5. Medication given at the request of the physician for a medical appointment is not considered a MUI. 6. If the seatbelt is worn for protection or to provide support for upper body control/movement, etc., a MUI is not required to be filed. If the seatbelt is worn to keep the individual from getting up and moving around the bus during the trip, then a MUI is required to be filed (if it is not addressed in the plan and properly approved). 7. If the family member initiates the restraint when he/she is being paid to provide services, then the incident should be reported just as any other Unapproved Behavioral Support with a paid provider. 8. It is not a MUI if an Unapproved Behavioral Support is implemented by a family member; however, if the incident rises to the level of abuse or neglect, it is required to be reported. 9. Hand-over-hand assistance and guiding is considered prompting and would not be reported as a MUI; however, the prompting should be addressed in the individual's plan. <p>EXAMPLES</p> <ol style="list-style-type: none"> 1. An individual is upset and aggressive but agrees to go to his bedroom. DSP stands in front of bedroom door and when the individual tries to leave his room, the DSP physically bumps into the individual, stands in front of or uses physical redirection back into the room would be filed as an Unapproved Behavior Support. 2. The individual's arms are strapped to a wheelchair on the bus to stop the individual from grabbing others' hair during a bus ride. 3. An individual is running toward the street when the DSP tackles him before he gets there in order to save his life.

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<p><u>UNAPPROVED BEHAVIORAL SUPPORT CONTINUED</u></p>	<p>4. An individual is trying to hit himself in the head with his fists and the DSP grabs his wrists to stop him.</p> <p><u>UI EXAMPLES:</u></p> <ol style="list-style-type: none"> 1. Redirection can occur without a restraint occurring. Examples; Brief Hands Down without resistance, hair releases used without force, blocks, if the DSP briefly holds the hand of the individual with no resistance this can be investigated as a UI. 2. If an individual is afraid of needles and must get a shot and they ask the DSP to help them. It is an UI if the individual has chosen to have the DSP help hold them during a medical procedure.
<p><u>UNUSUAL INCIDENTS</u></p> <p><u>TYPE/DEFINITION</u></p> <p><u>Unusual incident</u> 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 individuals served that is not a peer-to-peer act major unusual incident; and 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.</p> <p><u>"Program implementation incident"</u> 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.</p>	<p><u>PROBES</u></p> <ol style="list-style-type: none"> 1. A Program Implementation incident involves minimal or no risk. <p><u>PROGRAM IMPLEMENTATION EXAMPLES</u></p> <ol style="list-style-type: none"> 1. An individual with 20 minutes of alone time in the community demands his day program staff take him to McDonalds to purchase cheeseburgers. The staff cannot leave to take him, so he elopes and is gone more than 20 minutes. The staff call the police per his ISP. The individual is returned to the program by a transportation driver who spotted him walking when returning from dropping off first shift individuals. The individual is back at the program before police arrive. 2. An individual is riding in a car driven by staff. The individual tried to open the car door while the vehicle is moving. The staff engages the child safety locks to prevent the individual from opening the door. 3. An individual with severe intellectual disability has gone back into his bedroom and gone back to bed/sleep is left behind when staff transport housemates on an outing in the morning. The staff realize he is missing 5 minutes down the road and turn around to get him. The staff find him sound asleep. The individual has no alone time at home or in the community and cannot protect himself should there be an emergency situation in the home. 4. An individual is dropped off at home with no staff present. The individual uses his key and enters the home. The individual is home alone for an hour. There is no known risk to the individual. 5. An individual is angry and grabs the steering wheel while staff is driving in a parking lot. The staff hits a parked car. No one is injured. Staff is cited for hitting the car.



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UNUSUAL INCIDENTS CONTINUED

6. An individual with eyes on supervision walks away from staff while they are paying for groceries. The individual makes it to the front door before staff catches up to them.
7. An individual with no history of skin breakdown is found to be in a soiled undergarment when the 1st shift staff arrive at the home.
8. An individual's staff is there to provide overnight support in case he has a seizure. The staff self-reported she fell asleep for 10 minutes. John was checked on and fine. He suffered no adverse effects.
9. An agency staff was involved in a minor car accident while transporting 2 individuals. Staff was cited for failing to assure clear distance. No one was harmed.