301 Major Unusual Incidents and Unusual Incidents

All employees of Choices in Community Living, Inc. must receive training on how to report incidents in regards to major unusual incidents, and unusual incidents when hired, and annually thereafter. CICL policies on Safety and general well-being of all clients and services are reviewed annually with all employees. These polices are available on the CICL staff website for easy access and review and will also be made available upon request to persons receiving services, legal guardians and County/State personnel.

Major Unusual Incidents Defined
A major unusual incident is the assumed, suspected, or actual occurrence of an incident that adversely affects the health and safety of a client, including acts committed or allegedly committed by one client against another client.

Major unusual incidents include, but are not limited to, the following:

- **Physical abuse** - The use of physical force that can be reasonably expected to result in physical harm or serious physical harm are defined in section 2901.01 of the Ohio Revised Code. Such force includes, but is not limited to, hitting, slapping, pushing or throwing objects at a client.

- **Sexual abuse** - Unlawful sexual conduct or sexual contact as defined in section 2907.01 of the Ohio Revised Code.

- **Verbal abuse** - Using words to threaten, pressure, intimidate, harass or humiliate a client. For purposes of this rule, verbal abuse is also using gestures to threaten, pressure, intimidate, harass or humiliate a client.

- **Misappropriation** - Depriving, defrauding, or otherwise obtaining the real or personal property of a client by any means prohibited by the Ohio Revised Code, including chapters 2911 and 2913 of the Ohio Revised Code.

- **Neglect** - When there is a duty to do so, failing to provide a client with any treatment, care, goods, supervision or services necessary to maintain the health and safety of the client.
• The death, by any cause, of a client.

• Any incident involving a client that requires the involvement of law enforcement, and results in the arrest of, filing charges against, or imprisonment of the client.

• Attempted suicide by the client, regardless of whether any harm resulted.

• Fire, natural disaster, or mechanical failure at any place at which the client receives services that result in overnight relocation of the client, or an inability to provide the client with services for at least a twenty-four hour period.

• An incident in which a client can not be located for a period of time longer than eight hours, unless the client's plan specifies a different period of time, or prior arrangements have been made for the client to be gone for a period of time longer than eight hours or other circumstances indicate that the client is in immediate jeopardy.

• Medical emergency - The sudden onset of a medical condition that requires emergency medical intervention.

• Any unplanned or unscheduled hospital admission.

• Any injury of an unknown or suspicious origin that requires treatment that only a physician, physician assistant, or nurse practitioner can provide, or any injury of a known or non-suspicious origin that has a significant impact on the client's physical health.

• The use of any behavior support method, including restraint or time-out, that is implemented in a manner prohibited by the Ohio Department of MR/DD or by federal regulation or rules.

• Any violations of the rights stated in section 5123.62 of the Ohio Revised Code that adversely affect the health or safety of a client.

• A series of similar unusual incidents that may have an impact on the health and safety of a client as determined during the weekly review.
Unusual Incidents Defined
An unusual incident is an event or occurrence involving a client that is not consistent with routine operation, policies, procedures, or the care and habilitation plan of the client, but is not a major unusual incident as defined in this policy.

Administration of incorrect medication or failure to administer medication as prescribed is considered and reported as an unusual incident unless the medication error would otherwise constitute a major unusual incident.

Reporting Major Unusual Incidents
The agency expects employees to report unusual and major unusual incidents per the following guidelines, as established through the Ohio Department of MRDD rules 5123:2-17-02 and 5123:2-3-26 and other county and state regulations. Failure to report these incidents is a serious offense and could result in criminal charges and disciplinary action up to, and including, termination from employment.

1. Immediately upon identification or notification of a major unusual incident, the staff member must ensure the health and safety of all clients.

2. Contact Program Administrator.
If Program Administrator cannot be reached, call the Choices In Community Living, Inc. office 24 hours a day, seven days a week, at (937) 898-2220 and give basic information to the secretary or operator. The secretary or operator contacts the Program Administrator, Program Director or Executive Director.

3. Notify the County Board of MR/DD Services under any of the following circumstances:
   - Abuse
   - Neglect
   - Misappropriation
   - The major unusual incident requires notification of a law enforcement agency
   - The major unusual incident requires notification of a public children’s services agency
   - Choices In Community Living, Inc. receives inquiries from the media regarding a major unusual incident that has not been previously reported
The major unusual incident raises immediate concerns regarding a client's health and safety such that more immediate notification regarding the incident is necessary.

4. Contact the county board of DD within 4 hours of incident and the client’s work or school, as necessary.

5. Program Administrator, Program Director or Executive Director may contact the local law enforcement agency and/or the Children’s Service Board, if the client is under 18 years of age.

6. The staff member should then completely fill out the CICL incident report form and write a detailed description of the incident prior to the end of the shift of duty, or within 12 hours of the incident, whichever comes first.
   - If staff members are involved in the report, use full names in the report for the purpose of tracking trends.

7. Note the occurrence of the incident in the client’s daily log entry and in the ISP Documentation Sheet, if applicable.

8. Give the report to the Program Administrator as soon as the report is complete.

9. Verbally notify the legal guardian no later than twenty-four hours after becoming aware of a major unusual incident, unless the legal guardian is the primary person involved who forms the basis for the reported incident. Document all efforts to notify the guardian.

10. Program Administrator notes immediate action to ensure health and safety of clients and if further medical or administrative follow-up is needed.

11. Program Administrator reviews the incident report with the Program Director within 24 hours of the incident to complete a final report. Program Director finalizes the report and sends it on to all parties needing to know.

12. Program Director finalizes report and sends final incident report to the County Board of MR/DD Investigative Services and the appropriate service coordinator* by three p.m. the
13. Choices In Community Living, Inc. may choose to conduct an investigation. See Investigation Protocol on page 8 of this policy.

14. All employees of CICL should cooperate with all investigations conducted by other entities and respond to all requests for additional information made by the Ohio Department of MR/DD Services, County Board of MR/DD Services or any investigating entity within five working days of the delivery of the request. The human resources department will provide employee information as required, considering employees’ rights to confidentiality as prescribed by law or agency policy.

15. Choices In Community Living maintains a log of major unusual incidents. CICL will provide the major unusual incident log and other records of major unusual incidents to the County Board of MR/DD Services and Ohio Department of MR/DD Services upon request.

16. CICL reviews major unusual incident reports weekly, monthly and quarterly (January, April, July, and October) for trends and patterns. CICL documents the review and analysis. If trends or patterns are identified, CICL contacts the Executive Director and Program Director to determine plan of action.

17. CICL reviews all major unusual incidents from the previous year annually in January for trends and patterns. If trends or patterns identified, CICL contacts Executive Director and Program Director to determine plan of action.

Follow Up From County Board

1. County Board of MR/DD Services gives a summary/investigative report, including additional plan of correction or instruction, to the Fiscal Director.

2. CICL gives the summary/report to the Program Directors
3. IF required, Program Directors and Program Administrator prepare plan and give a copy to the Executive Director and resubmit the plan to the County Board of MR/DD Services.

4. Program Administrator places the summary/report in the client’s file.

**Reporting Unusual Incidents**

The agency expects employees to report unusual and major unusual incidents per the following guidelines, as established through the Ohio Department of MRDD rules 5123:2-17-02 and 5123:2-3-26 and other county and state regulations. Failure to report is a serious offense and could result in criminal charges and disciplinary action up to, and including, termination from employment.

1. Contact Program Administrator. If Program Administrator cannot be reached, call the Choices In Community Living, Inc. office 24 hours a day, seven days a week at (937) 898-2220 and give basic information to the secretary or operator. The secretary or operator contacts the Program Administrator, Program Director or Executive Director.

2. Prepare a detailed written report of the incident prior to the end of your shift or within 12 hours of the incident, whichever comes first.

   - If staff members are involved in the report, use their first and last names in the report for the purpose of tracking trends.

3. Note the occurrence of the incident in the client’s daily log entry and in the ISP Documentation Sheet, if applicable.

4. Forward the incident report to the Program Administrator within twenty-four hours of the incident.

5. Program Administrator notes immediate action to ensure the health and safety of clients and if further medical or administrative follow-up is needed.
6. Program Administrator forwards the incident to the Program Director within three (3) days of the incident to complete a final report. The Program Director reviews and finalizes the report.

7. Program Director finalizes the report and sends it on through the automated system where it is sent to all parties listed for that individual as needing to know.

8. CICL maintains a log of unusual incidents and provides the unusual incident log and other records of unusual incidents to the County Board of MR/DD Services and Ohio Department of MR/DD Services upon request, per Program Director.

9. CICL records all unusual incidents in a monthly log, categorized by departments, and reviews them monthly and quarterly to identify trends and patterns. If a series of unusual incidents constitutes a major unusual incident, CICL contacts the Executive Director and Program Director to determine plan of action.

Confidentiality
Incident reports contain confidential information and are made available only to people who need to know about the incident.

Obscure any confidential information contained in a report that is copied before the copies are provided to either the County Board of MR/DD Services or the Ohio Department of MR/DD Services or anyone who does not need the information.

Investigation Protocol
The Program Administrator, Program Director and Human Resources Director determine the appropriate person(s) to investigate the incident, if an investigation is warranted.

The Choices In Community Living, Inc. investigator takes the following steps to conduct an investigation:
1. Initiate the investigation within 48 hours of the time the report was filed. Some cases require immediate investigation. Do not interfere with a criminal investigation.

2. Secure all physical evidence. Photograph injuries (as needed) and secure/sketch/photograph the scene of the incident as soon as possible.

3. Follow-up with law enforcement and/or the Children's Services Board, if needed.

4. Review all relevant documents relating to the primary individual involved, who forms the basis for the reported incident and the alleged victim.

5. Interview all direct witnesses to the incident, including the primary individual. Document the interviews. Gather written statements from the witnesses.

6. Interview medical professionals (as needed) as to the possible cause or age of injuries. Document the interviews.

7. Interview others who may have relevant information such as service and support administrators, program directors and medical personnel who treated the injured individual. Document the interviews.

8. Conduct follow-up interviews, if needed.

9. Complete an investigation report including the following:
   - Clear statement of the allegation and the basic question(s) answered by the investigation
   - Evaluation of all witnesses’ and documentary evidence in a clear, complete manner
   - Evaluation of the relative credibility of the witnesses
   - A concise and well-reasoned analysis of the evidence
• A clearly stated objective conclusion, which identifies which allegations were and which were not fully demonstrated.

Do not include confidential employee information in the investigation report.

10. Complete the investigation and submit a copy of the investigation report to the County Board of MR/DD Services within fourteen days of becoming aware of a major unusual incident.