

PROGRAM AND SERVICES POLICY

POLICY TITLE	301 Major Unusual Incidents and Unusual Incidents
HEADER INFO - Adopted - Revised	Adopted 11/90, Revised: 10/94, 02/01, 08/02, 11/03, 02/12, 08/14, 1/2020, 11/2020, 2/2021
RULE REFERENCE	5123:17-02, 5123.61, 5123.613, 5126.044, 5123.62, 2907.01, 5123:2-1-02, 2151.03, 2151.031
GLOBAL POLICY STATEMENT (what and why)	<p>INCIDENTS ADVERSELY AFFECTING HEALTH AND SAFETY (MUI/UI REPORTING)</p> <p>It is the policy of CHOICES IN COMMUNITY LIVING, INC. to respond promptly to reports of both major unusual incidents (MUIs) and Unusual Incidents (UIs). Reporting procedures will be established, implemented, and monitored, and will define major unusual incidents (MUIs) and Unusual Incidents (UIs), and assign responsibility for investigation and resolution. These procedures will be made available to all program staff members. All staff will receive initial and annual MUI/UI Reporting approved training at the time of initial employment and annually thereafter. Additionally, all employees will periodically be made aware of all Health and Safety Alerts as they are posted by the Ohio Department of Developmental Disabilities (DODD). All staff persons are expected to follow proper procedures and to adhere to mandated timelines for reporting both Major Unusual and Unusual incidents.</p> <p>Following Ohio Administrative Code (OAC) Section 5123:17-02 regarding Incidents Adversely Affecting Health and Safety, CHOICES IN COMMUNITY LIVING, INC. will adhere to all the following terms and conditions of this rule:</p> <ul style="list-style-type: none"> · CHOICES IN COMMUNITY LIVING, INC. remains responsible for reviewing and reporting abuse and neglect and all other designated major unusual incidents and unusual incidents. The program's administrative staff will ensure Annual MUI Reports are submitted to the local County Board's MUI Department at times established by the County Board. · The CHOICES IN COMMUNITY LIVING, INC. Chief Executive Officer (CEO), will ensure that immediately, but no later than four hours after discovery of the incident, the local county board will be notified through means identified by the county board of the following incidents or allegations: Accidental or suspicious death, Exploitation; Misappropriation; Neglect; Peer-to-peer acts; Physical abuse; Sexual abuse; Verbal abuse; and when the provider has received an inquiry from the media regarding a major unusual incident. · As per Section 5123.61 of the Ohio Revised Code (ORC), any person who makes these reports will be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such action except for liability for perjury or unless the person has acted in bad faith or with malicious purpose. · Reports and investigations of alleged abuse or neglect and other MUIs will be kept confidential. These reports are not public records as defined in Section 149.43 of the ORC. Records will be provided to parties authorized to receive them in accordance with Sections 5123.613 and 5126.044 of the Revised Code, to any governmental entity authorized to investigate the circumstances of the alleged abuse or neglect, misappropriation, or exploitation and to any party to the extent that release of a record is necessary for the health or safety of an individual. · Failure to report suspected abuse or neglect is a Major Unusual Incident and may result in penalties under law, and/or appropriate action as defined in personnel policy. Substantiated

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	<p>incidents of failure to report may result in the person's name being added to the "Abuser Registry" maintained by the Ohio Department of Developmental Disabilities.</p>
<p>GUIDELINES/PROCESS STATEMENTS (how)</p>	<p>MAJOR UNUSUAL INCIDENT (MUI) PROCEDURE A "major unusual incident" means the alleged, suspected or actual occurrence of an incident when there is reason to believe the incident has occurred. The following categories give further explanation of MUI's and their respective categories:</p> <p>Category A</p> <p>Accidental or suspicious death: Means the death of an individual resulting from accident or suspicious circumstances.</p> <p>Exploitation: Is the unlawful or improper act of using an individual's resources for monetary or personal benefit, profit or gain.</p> <p>Failure to Report: Means that a person, who is required to report pursuant to Section 5123.61 of the Revised Code has reason to believe that an individual has suffered or faces a substantial risk of suffering any wound, injury, disability or condition of such a nature as to reasonably indicate abuse, misappropriation, or exploitation that results in a risk to health and welfare or neglect of that individual, and such person does not immediately report such information to a law enforcement agency, a county board or the Ohio Department of DD.</p> <p>Misappropriation: Means 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>Neglect: Neglect means when there is a duty to do so, failing to provide an individual with medical care, personal care, or other support that consequently results in serious injury or places an individual or another person at risk of serious injury. Serious injury means an injury that results in treatment by a physician, physician assistant or nurse practitioner.</p> <p>Physical abuse: Means the use of physical force that can reasonably be expected to result in physical harm or serious harm. Such force may include, but not limited to, hitting, slapping, pushing or throwing objects at an individual. Physical harm means any injury, illness, or other physiological impairment, regardless of its gravity or duration.</p> <p>Prohibited Sexual Relations: Prohibited sexual relations means a developmental disabilities employee engaging in consensual conduct or having consensual sexual contact with an individual who is not the employee's spouse, for whom the developmental disabilities employee is under contract to provide care or supervise the provision of care at the time of the incident.</p> <p>Rights Code Violation: Rights code violation means any violation of the rights enumerated in Section 5123.62 of the Revised Code that creates a likely risk of harm to the individual's health or welfare of an individual.</p> <p>Sexual Abuse: Sexual abuse means 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).</p> <p>Verbal Abuse: Verbal abuse means the use of words, gestures, or other communicative means to purposefully threaten, coerce, intimidate, harass, or humiliate an individual.</p>

CHOICES IN COMMUNITY LIVING, INC. agrees to follow all the reporting guidelines established in Appendix A of Ohio Administrative Code (OAC) 5123:17-02 (see attached) to report Category A incidents.

Category B

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

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

Medical Emergency: 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.)

Missing Individual: Missing individual means 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. The agency expects employees to review the client's Individual Service Plan for support needs and the client's file for historical information regarding unsupervised time at home and in the community. If it is believed the client's health and safety may be at immediate risk the staff member at the home should follow the steps in 'Responding to a MUI'.

Peer-to-peer act: Peer-to-peer act means one of the following incidents involving two individuals served.

- Exploitation which means the unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit, or gain.
- Theft which means intentionally depriving another individual of real or personal property valued at twenty dollars or more or property of significant personal value to the individual.
- Physical act that occurs when:
 - o results in examination or treatment by a physician, physician assistant, or nurse practitioner; or
 - o Involves strangulation, a bloody nose, a bloody lip, a black eye, a concussion, or biting which causes breaking of the skin; or
 - o Results in an individual being arrested, incarcerated, or the subject of criminal charges.
- Sexual act which means sexual conduct and/or contact for the purposes of sexual gratification without the consent of the other individual.
- Verbal act which means the use of words, gestures, or other communicative means to purposefully threaten, coerce, or intimidate the other individual when there is the opportunity and the ability to carry out the threat.

Significant Injury: Significant injury means an injury of known or unknown cause that is not considered abuse or neglect and that results in concussion, broken bone, dislocation, second or third degree burns or that requires immobilization, casting, or five or more sutures. Significant injuries shall be designated in the incident tracking system as either known or unknown cause.

CHOICES IN COMMUNITY LIVING, INC. agrees to follow all the reporting guidelines established in Appendix B of Ohio Administrative Code (OAC) 5123:17-02 (see attached) to report Category B incidents.

Category C

Law Enforcement: Law enforcement means any incident that results in the individual being arrested, charged, tazed or incarcerated

Unapproved Behavioral Support: Unapproved behavioral support means the use of an aversive strategy or intervention prohibited by paragraph Q) of rule 5123:2-1-02 of the Administrative Code or an aversive strategy implemented without approval by the human rights committee or behavior support committee or without informed consent that results in a likely risk to the individual's health and welfare. An aversive strategy or intervention prohibited by paragraph (1) of rule 5123:2-1-02 of the Administrative Code that does not pose a likely risk to health and welfare shall be investigated as a UI. A prone restraint will be filed an investigated as a UBS.

Unanticipated Hospitalization: Unanticipated hospitalization means any hospital admission or hospital stay that is over 24 hours that is not pre-scheduled or planned unless the hospital admission is due to a pre-existing condition that is specified in the individual service plan indicating the specific symptoms and criteria that require hospitalization.

CHOICES IN COMMUNITY LIVING, INC. agrees to follow all the reporting guidelines established in Appendix C of Ohio Administrative Code (OAC) 5123:17-02 (see attached) to report Category C incidents.

Responding to a MUI

When a MUI and UI occurs, the CHOICES IN COMMUNITY LIVING, INC. administrative staff will take immediate steps to ensure the health and safety of the individual(s) involved in the incident and any other individuals who are at-risk. Such measures shall include:

- Facilitate immediate and ongoing medical attention, as appropriate;
- Immediately notify your supervisor, who will notify the Program Director; Someone can always be reached at (937) 898-2220, 24 hours a day, seven days a week.
- Removal of an employee from direct contact with any at-risk individuals when the employee is alleged to have been involved in physical abuse or sexual abuse, until the administrative staff have reasonably determined that such removal is no longer necessary. Administration can determine on case by case basis a removal for all other areas of the MUI/UI rule;
- Take any other necessary measures to protect the health and welfare of individuals; ensure the client receives medical attention for cases which involve alleged physical abuse/neglect; take steps to protect the client from immediate future harm, as applicable; and
- Report the MUI to County Boards – Major Unusual Incidents Prevention (MUIP) Unit. The County Board’s MUIP Unit will consult with the provider regarding the measures taken to ensure individuals’ health and safety. If the parties are not able to reach agreement on the measures to be taken, the Ohio Department of Developmental Disabilities (ODODD) will be contacted to make the determination.
- MUI’s involving alleged misappropriation, neglect, physical abuse or sexual abuse must be reported to Senior CICL management (Program Director and above)

Reporting MUI's

When reporting a MUI to the local County Board's MUIP Unit, the CHOICES IN COMMUNITY LIVING, INC. CEO and/or designee will attempt to contact the County Board during business hours. The reports of MUIs may be made by telephone, fax and/or email. The CHOICES IN COMMUNITY LIVING, INC. administration will attempt to contact the County Board's MUIP Unit first by telephone to seek additional instructions. When it is after County Board's business hours, MUIs that must be reported immediately, but no later than 4 hours will be reported by County Board's emergency response system.

If an initial notification about a MUI is by telephone, a written report regarding the incident must be submitted to the MUIP Unit by 3:00 p.m. on the first working day following the incident.

Additionally, CHOICES IN COMMUNITY LIVING, INC. agrees to make the following notifications, as applicable, when the major unusual incident or discovery of the major unusual incident occurs when such provider has responsibility for the individual. The notification shall be made on the same day the major unusual incident or discovery of the major unusual incident occurs and include immediate actions taken. Notifications will be made to:

- Guardian or another person whom the individual has identified;
- Service and Support Administrator serving the individual;
- Staff or family living at the individual's residence who have responsibility for the individual's care;
- Other providers of services as necessary to ensure continuity of care and support for the individual; and
- Support broker for an individual enrolled in the self-empowered life funding waiver.

All notifications made by CHOICES IN COMMUNITY LIVING, INC. must be documented.

Reporting of alleged criminal acts

All CHOICES IN COMMUNITY LIVING, INC. employees must immediately report to the CHOICES IN COMMUNITY LIVING, INC. CEO, allegations of mistreatment, neglect, or abuse and injuries of unknown source when:

- The source of the injury was not witnessed by any person;
- The source of the injury could not be explained by the individuals and
- The injury raises suspicions of possible abuse or neglect because of the extent of the injury or the location of the injury or the number of injuries observed at one point in time or the incidences of injuries over time pursuant to 42 C.F.R. 483.420 (October 1, 2012).

The CHOICES IN COMMUNITY LIVING, INC. CEO will immediately report to the law enforcement entity having jurisdiction of the location where the incident occurred, any allegation of exploitation, failure to report, misappropriation, neglect, peer-to-peer act, physical abuse, sexual abuse, or verbal abuse which may constitute a criminal act. The CHOICES IN COMMUNITY LIVING, INC. CEO will document the time, date, and name of

person notified of the alleged criminal act. The county board shall ensure that the notification has been made.

All allegations of abuse or neglect as defined in Sections 2151.03 and 2151.031 of the Revised Code of an individual under the age of twenty-one years shall be immediately reported to the local public children's services agency. The notification will be made by the CHOICES IN COMMUNITY LIVING, INC. CEO to the local public children's services agency and the local county board.

Incident Reports

When completing written Incidents reports, the CHOICES IN COMMUNITY LIVING, INC. CEO and/or designee will ensure that all the following elements are included in each report:

- The individual's name;
- The individual's address;
- The date of incident;
- The location of incident;
- A description of incident;
- The type and location of injuries (if applicable);
- Immediate actions taken to ensure health and welfare of individual involved and any at-risk individuals;
- The name of primary person involved and his or her relationship to the individual;
- The names of witnesses;
- Statements completed by persons who witnessed or have personal knowledge of the incident;
- Notifications with name, title, and time and date of notice;
- Further medical follow-up; and
- The name and the signature of person completing the incident report.

Review, prevention, and closure of major unusual incidents

CHOICES IN COMMUNITY LIVING, INC. will implement a written procedure for the internal review of all major unusual incidents and will be responsible for taking all reasonable steps necessary to prevent the recurrence of major unusual incidents.

During the MUI investigation and review, the Program Director will collect all documentation and information relevant to the response and plan of correction/prevention. The documentation shall be attached to the FINALIZED MUI report by the Program Director and turned in to the MUI/UI document manager.

The CEO shall be informed within two working days following the day staff become aware of a potential or determined MUI involving misappropriation, neglect, physical abuse or sexual abuse.

The CEO or senior management designee shall conduct an internal review of an incident for which a major unusual incident has been filed. CHOICES IN COMMUNITY LIVING, INC. shall submit the results of its internal review of the incident, including statements and documents, to the county board within 14 calendar days of becoming aware of the incident.

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	<p>The individual's team, including the county board and the CHOICES IN COMMUNITY LIVING, INC. CEO, will collaborate on the development of preventive measures to address the causes and contributing factors to the major unusual incident. The team members shall jointly determine what constitutes reasonable steps necessary to prevent the recurrence of major unusual incidents.</p> <p>Analysis of major unusual incident trends and patterns CHOICES IN COMMUNITY LIVING, INC. will produce an in-depth annual report each year regarding major unusual incident trends and patterns which will be sent to the local county board. The annual review shall be cumulative for January first through December thirty-first of each year and include an in-depth analysis.</p> <p>The CHOICES IN COMMUNITY LIVING, INC. CEO, agrees to ensure all reviews and analyses will be completed within thirty calendar days following the end of the review period. Additionally, CHOICES IN COMMUNITY LIVING, INC. agrees the annual reports will contain the following elements:</p> <ul style="list-style-type: none">· Date of review;· Name of person completing review;· Time period of review;· Comparison of data for previous three years;· Explanation of data;· Data for review by major unusual incident category type;· Specific individuals involved in established trends and patterns (i.e., five major unusual incidents of any kind within six months, ten major unusual incidents of any kind within a year, or other pattern identified by the individual's team);· Specific trends by residence, region, or program;· Previously identified trends and patterns; and· Action plans and preventive measures to address noted trends and patterns. <p>Responding to UI's 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 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>During the UI investigation and review, the Program Director will collect all documentation and information relevant to the response and plan of correction/ prevention. The documentation shall be attached to the FINALIZED UI report by the Program Director and turned in to the MUI/UI document manager.</p> <p>As with responding to MUI's, CHOICES IN COMMUNITY LIVING, INC. will always first:</p> <ul style="list-style-type: none">· Facilitate immediate and ongoing medical attention, as appropriate;· Take any other necessary measures to protect the health and safety of individuals
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	<p>Reporting UI's The following guidelines will be used when reporting a UI:</p> <ul style="list-style-type: none"> • All Unusual incidents shall be reported and investigated by the CHOICES IN COMMUNITY LIVING, INC. CEO and/or designee. • CHOICES IN COMMUNITY LIVING, INC. unusual incident policy and procedure is: <ul style="list-style-type: none"> • Identify what is to be reported as an unusual incident which shall include unusual incidents as defined by Rule 5123:17-02; • Requires all employees who become aware of an unusual incident to report it to the CHOICES IN COMMUNITY LIVING, INC. CEO, who can initiate proper action; • Requires the report to be made no later than twenty-four hours (consideration given to medication errors) after the occurrence of the unusual incident; and • Requires the CHOICES IN COMMUNITY LIVING, INC. CEO and/or designee to investigate unusual incidents, identify the cause and contributing factors when applicable, and develop preventive measures to protect the health and welfare of any at-risk individuals. • All UI's will be investigated by the Program Administrator/Manager and/or Program Director and will be summarized on the UI report. • CHOICES IN COMMUNITY LIVING, INC. will ensure that all staff are trained and knowledgeable regarding the unusual incident policy and procedure. • CHOICES IN COMMUNITY LIVING, INC. agrees to review all unusual incidents as necessary, but no less than monthly, to ensure appropriate preventive measures have been implemented and trends/patterns are identified and addressed as appropriate. • The unusual incident reports, documentation of identified trends and patterns, and corrective action will be made available to the county board and department upon request. • CHOICES IN COMMUNITY LIVING, INC. will maintain a log of all unusual incidents. The log will include, but is not limited to, the name of the individual, a brief description of the unusual incident, any injuries, time, date, location, cause and contributing factors and preventive measures. • The CHOICES IN COMMUNITY LIVING, INC. CEO and/or designee will ensure that trends and patterns of unusual incidents are included and addressed in the individual service plan of each individual affected.
<p>FORMS Titles of forms</p>	<ul style="list-style-type: none"> • Steps to Writing an Incident Report
<p>TRAINING Titles of training</p>	<ul style="list-style-type: none"> • Immediate action following the report of a MUI