

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 4.12 ADDRESSING MAJOR UNUSUAL INCIDENTS AND UNUSUAL INCIDENTS TO ENSURE HEALTH, WELFARE AND CONTINUOUS QUALITY IMPROVEMENT

REF: OAC 5123-17-02

I. Policy Statement

Intrinsic to achieving the mission of the Scioto County Board of DD is the acknowledgment of our duty to guard the health and welfare of the individuals we serve. Every staff member, volunteer, and contracted provider is charged with the responsibility to protect, maintain or procure these essential tenets of a quality human existence for the individuals served.

While the agency cannot guarantee or absolutely ensure that every individual will be safe and healthy at all times, the staff and administration must cultivate an environment within the agency that will not tolerate abuse, neglect, or rights violations. The agency must work to foster in the public, including among family members, board members and other stakeholders, an attitude of intolerance for those who would mistreat an individual with a developmental disability. This policy is intended to focus attention on this issue and the agency's obligation to the instigation, maintenance and restoration of the health and welfare of the individuals served within the limits and resources of this agency.

II. Purpose for Policy

This policy and its procedures are based on Ohio Administrative Code Rule 5123 -17-02. In accordance with that rule, the purposes of this policy are to:

- A. Ensure the health and welfare of individuals served;
- B. Assist in managing incidents and reducing the risk of future incidents; and
- C. Ensure continual improvement in the quality of services to individuals.

III. Prevention, Review and Closure of MUIs

- A. Major Unusual Incidents (MUIs) as used in this policy are defined in OAC 5123-17-02. The County Board will adhere to the procedures for the reporting and investigating MUIs included in this same Rule.

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- B. The County Board shall implement written procedures for the reporting and internal review of all MUIs and shall be responsible for taking all reasonable steps necessary to prevent the reoccurrence of MUIs.
- C. The individual's team, including the County Board and provider when applicable, shall collaborate on the development of preventive measures to address the causes and contributing factors to the incident. The team members shall jointly determine what constitutes reasonable steps necessary to prevent the reoccurrence of MUIs. If there is no service and support administrator, individual team, or provider involved with the individual, the County Board designee shall ensure that preventive measures as are reasonably possible are fully implemented.

IV. Analysis of MUI Trends and Patterns

- A. The County Board and agency providers are required to analyze MUIs to identify trends and patterns annually by January 31st with the review being in compliance with requirements of OAC 5123-17-02(L)(1)(a-j).
- B. The County Board shall conduct the analysis and follow-up for all entities operated by the County Board and any other entity as required by rule. The County Board shall send its analysis and follow-up actions to the Department by February 28th for the annual review.
- C. Each agency provider is required by Rule to send its analysis and follow-up actions to the County Board for all programs operated in Scioto County by February 28th for the annual review. The County Board shall keep the analysis and follow-up actions on file and make them available to the Department upon request.
- D. The County Board and Department shall review the analysis to ensure that all issues have been reasonably addressed to prevent reoccurrence.
- E. The County Board shall ensure that trends and patterns of MUIs are included and addressed in the individual's service plan using a person-centered planning approach.
- F. The County Board, or as applicable, each council of governments to which the county board belongs, shall have a Committee that reviews trends and patterns of MUIs. The Committee shall be made up of a

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reasonable representation of the county board(s), provider agencies, families, and other stakeholders deemed appropriate by the Committee.

- G. The role of the Committee shall be to review and share the county or council of governments aggregate data of all MUIs that occurred in the county over the previous year prepared by the County Board or council of governments to identify trends, patterns, or areas for improving the quality of life for individuals supported in the county or counties. This meeting will take place in March with the results being kept on file and made available to the Department upon request.

V. UI Requirements

- A. Unusual incidents shall be reported and investigated by the provider
- B. Each agency provider and the County Board as a provider are required to develop and implement a written policy and procedure that:
 - 1. Identifies what is to be reported as a UI, which shall include UIs as defined by OAC 5123-17-02;
 - 2. Requires anyone who becomes aware of a UI to report it to the person designated by the provider who can initiate proper action. This report must be made within 24 hours after the occurrence of the incident; and
 - 3. Requires appropriate actions be taken to protect the health and safety of any at-risk individuals.
- B. The agency provider and the County Board as a provider shall ensure that all staff are trained and knowledgeable regarding the policy and procedure.
- C. The provider of services when a UI occurs shall notify other providers of services as necessary to ensure continuity of care and support for the individual.
- D. Independent providers shall complete a UI report, notify the individual's guardian or other person whom the individual has identified as applicable, and forward the UI to the County Board Service and Support Administrator (SSA) (if applicable) and County

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Board MUI/UI Coordinator on the first working day following the day the UI is discovered.

- E. The County Board as a provider and each agency provider and independent provider shall review their own UIs as necessary, but no less than monthly, to ensure appropriate preventative measures have been implemented and trends and patterns identified and addressed as appropriate. Individual planning teams shall ensure that any risks identified are addressed in the ISP using the person-centered planning approach.
- F. The UI reports, investigation associated with UI, documentation of identified trends and patterns, and corrective action shall be made available to the County Board and Department upon request.
- G. The County Board as a provider, and each agency provider and independent provider shall maintain logs of all unusual incidents as required in OAC 5123-17-02.

VII. Access to Records

- A. Reports made under Section 5123.61 of the Ohio Revised Code and this policy are not public records as defined in Section 149.43 of the Ohio Revised Code. Records may be provided to parties authorized to receive them in accordance with Sections 5123.613 and 5126.044 of the Ohio 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.
- B. The County Board shall not review, copy, or include in any report required by this policy personnel records of an employee that are confidential under state or federal statutes or rules, including medical and insurance records, workers' compensation records, employment eligibility verification (I-9) forms, and social security numbers.
- C. The County Board may review, but not copy, personnel records that include confidential information about an employee which may include, but is not limited to, payroll records, performance evaluations, disciplinary records, correspondence to employees regarding status of employment, and criminal records checks. The County Board may include in reports required by this policy

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information about the results of the review of personnel records specified in this paragraph.

- D. The County Board may review and copy personnel records prepared in connection with the provider's daily operations, such as training records, timesheets, and work schedules.
- E. Upon the Department's request, the provider shall submit to the Department copies of personnel records that are not confidential.
- F. The provider may redact any confidential information contained in a record as identified in Paragraph B above before the copies are provided to the County Board or the Department.
- G. Any party entitled to receive a report required by this policy may waive receipt of the report. Any waiver of receipt of a report shall be made in writing.

VIII. UI Oversight

- A. The County Board shall review, on at least a quarterly basis, a representative sample of provider unusual incident logs, including logs where the County Board is a provider to ensure that major unusual incidents have been reported, preventative measures implemented and that trends and patterns have been identified and addressed in accordance with OAC 5123-17-02.
- B. When the County Board is a provider, County Board shall submit a representative sample of its UI logs to the Department on a monthly basis so that the Department may ensure that major unusual incidents have been reported, preventative measures implemented and that trends and patterns have been identified and addressed in accordance with OAC 5123-17-02.

IX. Training Requirements

- A. Agency providers and the County Board must ensure that staff employed in direct service positions are trained on the requirements of this rule prior to direct contact with any individual. Training thereafter on the requirements of OAC 5123-17-02 shall be conducted annually and include a review of health and welfare alerts issued by the department in the past year.

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- B. For non-direct services staff working for agencies, or the County Board, training on OAC 5123-17-02 must occur within 90 calendar days of the date of hire. Training thereafter on the requirements of OAC 5123-17-02 shall be conducted annually and include a review of health and welfare alerts issued by the department in the past year.

- C. Independent providers are required to be trained on the requirements of OAC5123-17-02 prior to applying for initial certification and must receive annual training on this rule including a review of health and welfare alerts issued by the department in the past year.

Previously amended: Jun 2002; Jul 2002; Nov 2002; Jul 2007; Nov 2007; 23 Aug 2013 (eff: 3 Sept 2013)