

**Incidents Adversely Affecting Health & Safety
Appendix A**

(Use this tool to complete special reviews in this area or to review services where the tool does not include UI/MUI)

Provider Name: _____ **County:** _____ **Date of Review:** _____

Reviewer Name: _____ **ODMRDD Contract #:** _____ **Certification Date:** _____

IO Waiver

Level One Waiver

Both IO and Level One Waiver

Item	Rule Requirements	Standard Met? S/P/N/NA	Comments
Choose either Agency Provider or Individual Provider			
1.	<p><u>FOR AGENCY PROVIDERS</u> Is there evidence that newly hired staff are trained on the requirements of the MUI rule <u>prior to unsupervised contact</u> with an individual, and <u>no later than 30 calendar days</u> after employment?</p> <p>Is there evidence that after the initial training, employees received MUI training each subsequent calendar year?</p> <p>5123:2-17-02(P)(1) Training All agency providers and county boards shall ensure their staff are trained on the requirements of this rule regarding the identification and reporting of MUIs and UIs prior to unsupervised contact with any individual and in all cases, no later than thirty calendar days after employment. Thereafter, all employees shall receive training during each calendar year which shall include a review of health and safety alerts released since the previous calendar year's training.</p> <p><u>FOR INDIVIDUAL PROVIDERS</u> Did the provider obtain MUI/UI training prior to working with individuals?</p> <p>Did the provider obtain annual MUI/UI training each year?</p> <p>5123:2-17-02(P)(2) Training All individual providers shall follow the requirements for initial training on the provisions of this rule according to their certification requirements and shall receive annual training from the date of certification on identification and reporting of MUIs and UIs and health and safety alerts</p>		

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	released since the previous calendar year's training.		
2.	<p>Has the provider taken all reasonable steps necessary to prevent the occurrence and reoccurrence of incidents affecting health and safety?</p> <p>5123:2-8-10(D)(6) / 5123:2-8-07(D)(8) Level 1- Individual HPC and Transportation The individual provider shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.</p> <p>5123:2-8-10(F)(6) 5123:2-8-07(F)(8) Level 1- Agency HPC and Transportation The applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety. Such steps shall be subject to limitations in applicable law and may include, but are not limited to, giving notice of the occurrence or reoccurrence of the incident to the SSA or the individual's family, or to a legally responsible person.</p> <p>5123:2-13-04(D)(6) / I.O. – Individual HPC The individual provider shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety</p> <p>5123:2-13-04(F)(7) / I.O. – Agency HPC The applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety.</p>		
3.	Were all MUIs involving abuse, neglect, exploitation,		

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	<p>misappropriation, or death reported as required?</p> <p>5123:2-17-02 (D) Reporting requirements (2) Reports of MUIs involving abuse, neglect, exploitation, misappropriation, or death shall be filed in all cases regardless of where the incident occurred, and all requirements of this rule shall be followed. Reports regarding the remaining categories of MUIs shall be filed and the requirements of this rule followed only when the incident occurs in a program operated by a county board or when the individual is being served by a licensed or certified provider.</p>		
4.	<p>Is there evidence that the provider took all reasonable measure to ensure the health and safety of at-risk individuals immediately upon identification or notification of an MUI?</p> <p>5123:2-17-02 (D) Reporting requirements (3) Immediately upon identification or notification of an MUI, the provider or county board, when acting as the provider for the individual, shall take all reasonable measures to ensure the health and safety of any at-risk individuals. The provider and county board shall discuss any disagreements regarding reasonable measures in order to resolve them. If the provider and county board are unable to agree on reasonable measures to ensure the health and safety of at-risk individuals, the department shall make the determination. Such measures shall include: (a) Immediate and ongoing medical attention, as appropriate; (b) Removal of an employee from direct contact with any at-risk individual when the employee is alleged to have been involved in abuse or neglect until such time as the provider has reasonably determined that such removal is no longer necessary;</p>		

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	(c) Other necessary measures to protect the health and safety of at-risk individuals.		
5.	<p>Did the provider notify the county board within 4 hours of discovery of incidents of alleged abuse, exploitation, misappropriation, neglect, suspicious/accidental death, or when the provider has received media inquiries regarding an MUI?</p> <p>5123:2-17-02 (D) Reporting requirements (5) The provider or county board staff shall immediately, but no later than four hours after discovery of the incident, notify the county board through means identified by the county board of the following incidents or allegations: (a) Abuse. (b) Exploitation. (c) Misappropriation. (d) Neglect. (e) Suspicious or accidental death. (f) When the provider has received inquiries from the media regarding an MUI</p>		
6.	<p><u>FOR AGENCY PROVIDERS</u> Is there evidence the agency provider submitted written incident reports to the county board by 3pm the next working day following initial knowledge of a potential or determined MUI?</p> <p><u>FOR INDIVIDUAL PROVIDERS</u> Is there evidence the provider notified the county board designee of MUIs by 3pm the next working day following initial knowledge of a potential or determined MUI?</p> <p>5123:2-17-02 (D) Reporting requirements (6) For all MUIs, including those listed in paragraph</p>		

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	<p>(D)(5) of this rule, all agency providers and county boards as a provider shall submit a written incident report to the county board no later than three p.m. the next working day following initial knowledge of a potential or determined MUI. The report shall be submitted in a format prescribed by the department.</p> <p>Individual providers shall make the notification to the county board contact person designated to receive or manage these reports, no later than three p.m. the next working day following initial knowledge of a potential or determined MUI.</p>		
7.	<p>Is there evidence that the provider reported any allegation of abuse, misappropriation or neglect, which may constitute a criminal act, to local law enforcement?</p> <p>5123:2-17-02 (E) Alleged criminal acts The provider or county board shall immediately report to the law enforcement entity having jurisdiction of the location where the incident occurred, any allegation of abuse, including misappropriation, or neglect, which may constitute a criminal act. The county board shall ensure that the notification has been made.</p>		
8.	<p>Is there evidence that the provider reported any allegation of abuse or neglect of an individual under the age of twenty-one to the local children's services agency?</p> <p>5123:2-17-02 (F) Abused or neglected children All allegations of abuse or neglect as defined in section 2151.03 and section 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 may be made by the provider or the county board. The county board shall ensure that the notification has been made.</p>		

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9.	<p>Is there evidence that the provider notified the entities identified in (a) through (d) below of the occurrence of an incident on the same day the provider discovered the incident?</p> <p>5123:2-17-02 (G) Notification requirements (1) The provider, including a county board as a provider, shall make the following notifications, as applicable, when the incident or discovery of the incident occurs when such provider has responsibility for the individual. The notification shall be made on the same day the incident or discovery of the incident occurs and include immediate actions taken. (a) Guardian or advocate selected by the individual or other person whom the individual has identified. (b) Service and support administrator serving the individual. (c) Licensed or certified residential provider. (d) Staff or family living at the individual's home who have responsibility for the individual's care.</p>		
10.	<p>Did the provider document all efforts to notify the guardian, SSA, residential provider, and staff/family living with the individual of the occurrence of an incident?</p> <p>5123:2-17-02 (G) Notification requirements (2) All notifications or efforts to notify shall be documented. The county board shall ensure that all required notifications have been made.</p>		
11.	<p>Did the provider avoid notifying the PPI, the PPI's spouse, or the PPI's significant other?</p> <p>5123:2-17-02 (G) Notification requirements (3) Notification shall not be made if the person to be</p>		

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	notified is the PPI, the PPI's spouse, or the PPI's significant other.		
12.	<p>If an agency has been made aware that law enforcement is investigating an alleged crime by an employee of the agency, did the agency take steps to address the health and safety needs of any at-risk individual?</p> <p>5123:2-17-02 (G) Notification requirements (5) In any case where law enforcement has been notified of an alleged crime, the department may provide notification of the incident to any other provider, developmental center, or county board for whom the PPI works, for the purpose of ensuring the health and safety of any at-risk individual. The notified provider or county board shall take such steps necessary to address the health and safety needs of any at-risk individual and may consult the department in this regard. The department shall inform any notified entity as to whether the incident is substantiated. Providers, developmental centers, or county boards employing a PPI shall notify the department when they are aware that the PPI works for another provider.</p>		
13.	<p>If the agency provider conducted an internal review of an MUI, did they submit the results of the review to the county board within 14 calendar days of becoming aware of the incident?</p> <p>5123:2-17-02 (H) General investigation requirements (10) When an agency provider, excluding a developmental center, conducts an internal review of an incident for which an MUI has been filed, the agency shall submit the results of its internal review of the incident, including statements and documents, to the county board within fourteen calendar days of the agency becoming aware of the incident.</p>		

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14.	<p>Did the provider cooperate with MUI investigations and respond to requests for information within the timeframe requested?</p> <p>5123:2-17-02 (H) General investigation requirements (11) All MR/DD employees shall cooperate with administrative investigations conducted by entities authorized to conduct investigations. Providers and county boards shall respond to requests for information within the timeframe requested. The timeframes identified shall be reasonable.</p>		
15.	<p>Is there evidence that the provider has a written procedure for the internal review of all MUIs?</p> <p>Is there evidence that the provider is implementing the procedure for the internal review of all MUIs?</p> <p>5123:2-17-02 (K) Review, prevention, and closure of MUIs (1) County boards and agency providers shall implement a written procedure for the internal review of all MUIs and shall be responsible for taking all reasonable steps necessary to prevent the reoccurrence of MUIs.</p>		
16.	<p>Is there evidence that the provider collaborated with the individual's team and the county board on the development of preventive measures to address the causes of MUIs?</p> <p>5123:2-17-02 (K) Review, prevention, and closure of MUIs (2) The individual's team, including the county board and agency provider, shall collaborate on the development of preventive measures to address the causes and contributing factors to the incident. The team members shall jointly</p>		

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	determine what constitutes reasonable steps necessary to prevent the reoccurrence of MUIs. If there is no service and support administrator, individual team, or agency provider involved with the individual, a county board designee shall ensure that preventive measures as are reasonably possible are fully implemented.		
17.	<p>Did the provider meet the following requirements:</p> <ul style="list-style-type: none"> a. the provider sent the county board a quarterly report regarding MUI trends and patterns b. the semi-annual review was cumulative for the first two quarters <u>and</u> included an in depth analysis c. the annual review was cumulative for all four quarters <u>and</u> included an in-depth analysis d. each review period included the preventive measure taken to address trends/patterns <p>5123:2-17-02 (L) Analysis of MUI trends and patterns (1) All agency providers including county boards as providers shall send the county board a quarterly report regarding MUI trends and patterns. The county board shall review all individual providers quarterly for MUI trends and patterns. The semi-annual review shall be cumulative for the first two quarters and include an in-depth analysis. The annual review shall be cumulative for all four quarters and include an in-depth analysis. Each review period shall include the preventive measures taken to address the trends and patterns.</p>		
18.	<p>Is there evidence that all reviews and analyses were completed within 30 calendar days following the end of the quarter?</p> <p>5123:2-17-02 (L) Analysis of MUI trends and patterns (2) All reviews and analyses shall be completed within</p>		

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	thirty calendar days following the end of the quarter.		
19.	<p>Did the provider meet the following timelines for submitting MUI analyses and follow-up actions to the county board:</p> <ul style="list-style-type: none"> a. the semi-annual review is to be submitted by 8/31 b. the annual review for the previous year is submitted by 2/28 <p>5123:2-17-02 (L) Analysis of MUI trends and patterns (4) Each agency provider shall send its analysis and follow-up actions to the county board for all programs operated in the county by August thirty-first for the semi-annual review and by February twenty-eighth 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.</p>		
20.	<p>Is there evidence that the provider has developed and implemented a policy and procedure that addresses (a) through (d) below?</p> <p>5123:2-17-02 (M) UI requirements (1) Each agency provider and county board as a provider shall develop and implement a policy and procedure that: (a) Identifies what is to be reported as a UI which shall include UIs as defined by this rule; (b) Requires anyone who becomes aware of a UI to report it to the person designated by the provider who can initiate proper action; (c) Requires the report to be made no later than twenty-four hours after the occurrence of the incident; (d) Requires appropriate actions be taken to protect the health and safety of any at-risk individuals</p>		

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21.	<p>Did the provider have evidence that he/she reported UIs to the county board designee on the day the UI was discovered?</p> <p>5123:2-17-02 (M) UI requirements (4) Individual providers shall make reports to the person designated by the county board on the day the UI is discovered. The county board shall designate a person responsible for logging these incidents.</p>		
22.	<p>Is there evidence that the provider is reviewing all UIs at least monthly to identify trends and patterns and to ensure implementation of preventive measures?</p> <p>5123:2-17-02 (M) UI requirements (5) Each agency provider and county board as a provider shall review all UIs as necessary, but no less than monthly, to ensure appropriate preventive measures have been implemented and trends and patterns identified and addressed as appropriate.</p>		
23.	<p>Has the provider made UI documents available to the county board and department upon request?</p> <p>5123:2-17-02 (M) UI requirements (6) The UI reports, documentation of identified trends and patterns, and corrective action shall be made available to the county board and department upon request.</p>		
24.	<p>Is there evidence that the provider is maintaining a UI log?</p> <p>Does the UI log include the name of the individual, a brief description of the incident, any injuries, time, date, location, and preventive measures?</p> <p>5123:2-17-02 (M) UI requirements</p>		

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	(7) Each agency provider and county board as a provider shall maintain a log of all UIs. The log shall include, but not be limited to, the name of the individual, a brief description of the incident, any injuries, time, date, location, and preventive measures.		
25.	<p>Is there evidence that the provider contacted the SSA to address UI trends and patterns in each affected individual's ISP?</p> <p>5123:2-17-02 (M) UI requirements (10) The agency provider and the county board as a provider shall ensure that trends and patterns of UIs are included and addressed in each individual's service plan.</p>		
26.	<p>If requested, is there evidence the provider supplied copies of non-confidential personnel records?</p> <p>5123:2-17-02 (O) Access to records (5) Upon the department's request, the provider shall provide to the department copies of personnel records that are not confidential.</p>		
27.	<p>Is there evidence that the provider supplies its employees with an annual written notice explaining the conduct for which an MRDD employee may be included in the Abuser Registry?</p> <p>Employee Notification about the Abuser Registry. Each of the following (Department, CB, Contracting Entity, Owner Operator of certified program), shall annually provide a written notice to each of its MR/DD employees explaining the conduct for which an MR/DD employee may be included in the registry established under section 5123.52 of the Revised Code. ORC section 5123.542</p>		