

Residential and Day Services Provider Forum

September 7, 2016

9:00

Agenda

Welcome	Dawn
Next Northstar Advantage class	Dawn
MUIP Updates	Jennie
• Reporting Hotline Update/Reminder	
• Prone Restraint Ban	
• Background Check Issues/Concerns	
New ADA rules	Jen
Launch of the Ohio Benefits system	Jen
Status of Integration – First HCDDS review results	Eric
Other announcements	All

Next Meeting: November 2nd at 9:00 AM

Queensgate Office



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2009 – 13S

Establishing Restraint Policies Including a Ban on Prone Restraints

- 1. Ohio Has Taken Steps to Address the Risks Posed By the Use of Restraints.** Upon my direction, seven state departments joined together to create a work group dedicated to researching issues related to the use of physical restraints when providing their respective services. The work group focused on prone restraint, defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time, and transitional hold, defined as a brief physical or manual positioning of an individual face-down for the purpose of quickly and effectively gaining physical control of that individual in order to prevent harm to self or others, or prior to transport to enable the person to be transported safely. The seven state departments that joined together are: the Ohio Departments of Mental Retardation and Developmental Disabilities, Mental Health, Alcohol and Drug Addiction Services, Youth Services, Education, Job and Family Services, and Health.
- 2. Ohio is Committed to Providing Services in a Safe, Caring, and Therapeutic Manner.** Each of the departments listed above serve our citizens in different ways. There are occasions where they must all respond to situations where our citizens receiving services engage in behavior that is potentially harmful to themselves and others. Ohio is committed to having these and other state departments respond to such situations in a manner that focuses on assisting citizens to live meaningful lives that are free of coercion or violence of all kinds. Services are provided by a caring and competent workforce in the safest and least intrusive or restrictive method available. The use of restraint is a method of last resort and the exception rather than the norm for daily delivery of services. The focus of these state service providers should be on using a positive approach and reducing the need for physical intervention.

3. **Research Has Shown That the Prone Position is a Hazardous and Potentially Lethal Restraint Position.** Accepted research has shown that there is a risk of sudden death when restraining an individual in a prone position. The prone position occurs when an individual is face-down. This research has led other states to prohibit the use of this restraint technique.
4. **Ohio Adopts the Following Policy on the Use of Prone Restraint, Transitional Hold, and Other Types of Physical Restraint.**

I hereby order the Ohio Departments of Mental Retardation and Developmental Disabilities, Mental Health, Alcohol and Drug Addiction Services, Youth Services, Education, Job and Family Services, Health, Aging, Commerce, Natural Resources, Public Safety, Rehabilitation and Correction, and Veterans Services, and the Ohio Board of Regents to immediately adopt the following Policy on the Use of Prone Restraint, Transitional Hold, and Other Types of Physical Restraint. This policy may be incorporated into pre-existing policies to the extent that the pre-existing policies do not conflict with the policy below. The safeguards contained within this policy should be seen as the minimum acceptable standards. Each department retains the right to adopt safeguards which are more restrictive (meaning they permit even less physical restraint) than those in the policy, as it deems appropriate for its delivery of services. In addition, law enforcement will ensure that their related, internal policies are consistent with the policy below.

Policy on the Use of Prone Restraint, Transitional Hold, and Other Types of Physical Restraint

- A. **PRONE RESTRAINT:** The use of the prone restraint is prohibited across all state systems. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time. Prone restraint includes physical or mechanical restraints.
- B. **TRANSITIONAL HOLD:** Transitional hold is defined as a brief physical positioning of an individual face-down for the purpose of quickly and effectively gaining physical control of that individual in order to prevent harm to self and others, or prior to transport to enable the individual to be transported safely. Transitional hold may include the use of handcuffs or other restraints incident to arrest or temporary detention by law enforcement consistent with departmental policy.

The use of transitional hold may be permitted only when all of the following conditions are met and as determined by departmental policy:

1. Transitional hold may be applied only by staff with current training on the safe use of this procedure, including how to recognize and respond to signs of distress in the individual;
2. Transitional hold may be applied only in a manner that does not compromise breathing, including the compromise that occurs with the use of: (1) pressure or weight bearing on the back; (2) soft devices such as pillows under an individual's face or upper body; or (3) the placing of an individual's or staff's arms under the individual's head, face, or upper body;
3. Transitional hold may be applied only for the reasonable amount of time necessary to safely bring the person or situation under control and to ensure the safety of the individuals involved; and
4. Transitional hold may be applied only with consistent and frequent monitoring during and after the intervention with every intent to assure that the person is safe and suffers no harm.

C. **LIMITATIONS ON THE USE OF OTHER TYPES OF PHYSICAL RESTRAINT:** Because physical restraint, in general, is not viewed as a therapeutic or beneficial intervention, other types of physical restraint are to be used only when there is risk of escape or harm to the individual or others, or by personnel within the specific guidelines of a secured facility. A secured facility is defined as any site that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision. Physical restraint may only be used by trained staff and under the approval, guidance, and restrictions as outlined within each department's policies.

5. **Ohio Will Take Steps To Address the Use of Restraint and Seclusion By Establishing the Ohio Policy Committee on Restraint and Seclusion.** The use of restraint and seclusion can have a lasting impact on both individuals receiving care and the caregivers themselves. In order to ensure that Ohio is establishing best practices in regard to the use of such interventions, I am hereby establishing the Ohio Policy Committee on Restraint and Seclusion, which will be an extension of the work done to date by the seven state departments identified above.

A. This Committee will be comprised of members appointed by the directors of the following departments:

1. Ohio Department of Mental Retardation and Developmental Disabilities
2. Ohio Department of Mental Health
3. Ohio Department of Alcohol and Drug Addiction Services
4. Ohio Department of Youth Services
5. Ohio Department of Education
6. Ohio Department of Job and Family Services
7. Ohio Department of Health
8. Ohio Department of Aging
9. Ohio Department of Commerce
10. Ohio Department of Natural Resources
11. Ohio Department of Public Safety
12. Ohio Department of Rehabilitation and Correction
13. Ohio Department of Veterans Services
14. Ohio Board of Regents

B. The Committee is charged with creating a single state policy on the use of restraint and seclusion founded on the principle that individuals served by these departments should be treated with dignity, respect, and the utmost regard for physical safety, and emotional and psychological well-being. The policy will include: identification of the risks associated with restraint and seclusion, outlining of required training components, tracking and reporting the policy's requirements, and performance improvement.

6. I signed this Executive Order on August 3, 2009, in Columbus, Ohio, and it will not expire unless it is rescinded.



Ted Strickland

Ted Strickland, Governor

ATTEST:

Jennifer Brunner, Secretary of State



HOW TO REPORT A MAJOR UNUSUAL INCIDENT (MUI)

Hamilton County Developmental Disabilities Services (HCDDS) operates a Major Unusual Incident (MUI) Hotline for reporting all MUIs. The hotline is a voicemail/on-call system available 24 hours a day, seven days a week.

MUI Hotline Number: (513) 559-6629

This hotline will be available 24 hours a day/7 days per week for reporting purposes.

Press 1 to report an MUI...Notification Only

See MUI Reporting Required Information

Press 2 to be connected to MUI Intake during business hours

After Hours Hotline Number: (513) 794-3308

Press 1 to report an MUI...Notification Only

See MUI Reporting Required Information

Press 2 to be connected with the 24 hour emergency line

All written/typed MUIs must be sent to MUI no later than 3 p.m. the following business day.

MUI Fax Number: (513) 559-6610

MUI E-mail Address: muip@hamiltondds.org



MUI REPORTING PROCEDURES

Physical Abuse, Sexual Abuse, Verbal Abuse, Neglect, Exploitation, Misappropriation, Peer-to-Peer Act, Accidental or Suspicious Death, and Media Inquiries about an MUI

- Must be reported to the MUI Hotline immediately, but no later than 4 hours after discovery of the incident or allegation. All reports must be made verbally by contacting the MUI Hotline.
- By 3 p.m. the next business day, a written Incident Report must be submitted to the HCDDS MUI Unit. The incident report can be faxed or e-mailed to the MUI Unit.
- Reports of physical abuse, sexual abuse, verbal abuse, neglect, misappropriation, exploitation, failure to report, and peer-to-peer acts that are possible criminal acts must also be reported to law enforcement or the Child Abuse Hotline (241-KIDS) immediately in addition to the MUI Unit:
 - If the victim is 21 years of age or older, law enforcement that has jurisdiction where the incident occurred must be notified.
 - If the victim is under the age of 21, the Child Abuse Hotline (241-KIDS) should also be notified.

Prohibited Sexual Relations, Rights Violations, Failure to Report, Attempted Suicide, Non-Accidental/Non-Suspicious Death, Medical Emergency, Missing, Significant Injury, Law Enforcement, Unapproved Behavior Support, and Unscheduled Hospitalization

- All other categories of MUIs should be reported to the MUI Hotline as soon as possible, but no later than 3 p.m. on the next business day after discovery of the MUI. All reports must be made verbally by contacting the MUI Hotline.
- A written incident report must be submitted to the HCDDS MUI Unit no later than 3 p.m. next business day after initial discovery of the MUI.



HAMILTON COUNTY
DEVELOPMENTAL DISABILITIES
SERVICES

MUI Hotline Reporting Required Information

- 1) Name of Caller and Agency: _____
- 2) Telephone Number where caller can be reached immediately: _____
- 3) Name of the Individual: _____
- 4) Date of Incident: _____ Time: _____
- 5) Location of Incident: _____
- 6) Description of Incident: _____

7) Immediate Actions Taken to Ensure Individual's Immediate Health and Welfare

(Please note: this is more than simply notifications that were made): _____

8) Persons Notified of the Incident: _____

9) For reports of abuse, neglect, misappropriation, exploitation, and peer-to-peer only:

- Name of Law Enforcement Agency Notified: _____
- Name or Badge Number of Law Enforcement Agency Staff Contacted: _____
 - Accepting Case: _____
- Name of 241-KIDS Staff Contacted (if the individual is under the age of 21): _____
 - Accepting Case: _____
- Date and Time Notification Made: _____


*****This form is a tool to ensure all required information is reported and should not be confused with the actual incident report.*****

Ohio | Department of
Developmental Disabilities

Division of Legal and Oversight

John R. Kasich, Governor
John L. Martin, Director

To: County Board Superintendents, SSA Directors, COG Directors, Providers, OPRA, and OACB

From: Kelly Miller, Assistant Deputy Director, Office of Provider Standards and Review
Scott Phillips, Assistant Deputy Director, MUI/Registry Unit 

Date: August 27, 2013

Re: The use of banned prone restraints

The purpose of this transmittal is to inform you that effective September 3, 2013 the use of a prone restraint will be considered an allegation of physical abuse and not as an unapproved behavior support. As you are aware, prone restraints were banned in Ohio effective March 5, 2009 because their use was determined to place individuals with disabilities at a high risk for serious injury and even death.

Placing individuals in a prone position is a potentially fatal maneuver which reduces a person's ability to breath. The dangers of restraint-related positional asphyxia are well documented. The use of this banned restraint can reasonably be expected *to result in physical harm or serious physical harm* which is defined as "Physical Abuse" in section 2901.01. Should any individual place themselves in a prone position while in a restraint, those applying the restraint shall release the hold and/or any pressure that was being applied immediately to prevent the application of a prone restraint.

Reports of the use of prone restraints will be filed as allegations of physical abuse and investigated in accordance with the Major Unusual Incident Rule (Ohio Administrative Code 5123:2:17-02).

Any provider reported to use a prone restraint will be required to provide documentation to their County Board on how they have addressed the use of this banned technique. This information will be incorporated into the prevention plan for the MUI. Upon recommended for closure, the investigation and prevention plan will be reviewed by the Department prior to closing the case. Failure to submit information to the County Board or any further use of this type of intervention may lead to further action by the Department. For questions or assistance, please contact behavior.support@list.dodd.ohio.gov or call (614) 466-6670.

Thank you for your immediate attention to this matter.

c: John Martin, Director, DODD
DD Deputy Directors
Bridget Gargan, Executive Director, OACB
Mark Davis, Executive Director, OPRA
Michael Kirkman, Executive Director, Disability Rights Ohio
Gary Tonks, Executive Director, The Arc of Ohio
Karla Rinto, Executive Director, APSI
Sadie Hunter, Executive Director, People First
DD DC Superintendents

1800 Sullivant Avenue
Columbus, Ohio 43222
dodd.ohio.gov

(614)995-3810 (Phone)
(614)995-3822 (Fax)
(866)313-6733 (Hotline)



Record Checks Resources

In addition to the mandatory background checks that must be completed per rule, there are a few other options available to you to ensure that you are hiring the right person.

You can search a person on the Hamilton County Clerk of Courts Website. Once you get on the site, you can complete a comprehensive name search under the court records tab.

<http://www.courtclerk.org/>

Another option is to obtain a local background check through the Hamilton County Sherriff's Office. There are currently 2 locations that offer this; the cost for the check is \$5.

You can obtain records checks for employment at the Hamilton County Justice Center south building located at **1000 Sycamore St., Room 100, Cincinnati, OH 45202**. The Office is open Monday through Friday from 7:00 A.M. to 3:00 P.M. The second location is at **12139 Royal Point Drive, Cincinnati, Ohio 45249**. In partnership with Hamilton County Clerk of Courts Tracy Winkler citizens can obtain a FBI/BCI Web Check as well as the Local background check at the Auto Title office. This location is open Monday through Friday from 9 A.M. to noon and 1 P.M. to 5 P.M.