



To: The Ohio Department of Developmental Disabilities
Date: March 20, 2024
Re: 5123-17-02 MUI Rule

On behalf of the of the Ohio Provider Resource Association (OPRA), the Ohio Health Care Association (OHCA), and the Ohio Association of County Boards (OACB), we thank the Ohio Department of Developmental Disabilities (DODD) for their continued effort to ensure Ohioans with intellectual and developmental disabilities (I/DD) continue to have access to necessary Medicaid-funded long-term care services. The coalition and its members are grateful for the opportunity to provide comments regarding the proposed rules.

We recognize the importance and necessity of a robust critical incident system, and are committed to the health, safety, and welfare of all individuals served within Ohio's I/DD system. We also maintain our commitment to administrative simplification. While we have appreciated the chance to review the Major Unusual Incident (MUI) rule, we were surprised at the lack of significant changes within the current draft and feel the need for a more comprehensive review of the rule. With that in mind, the coalition would like to offer the comments below where we have additional concerns and believe there are opportunities for more efficiencies and streamlining of the MUI rule and system. Some examples include but are not limited to:

- ☐ How 'Just Culture' might be incorporated in the rule and process.
- ☐ When and how incidents are reported, triaged, and categorized.
- ☐ What constitutes "unusual" in regard to hospitalizations and chronic conditions.

This rule, like many others, uses CMS requirements as a base; however, we believe that the MUI rule remains extremely burdensome and over-arching in its scope, far exceeding the critical incident management system required by CMS. We fully recognize the value and importance of the MUI Rule in safeguarding the well-being of individuals with I/DD, while at the same time promoting overall system improvement and accountability. With these principles in mind, the coalition believes there is an opportunity to promote systemic change through the rule that will ultimately produce a more efficient and person-centered system of support.

Ohio's MUI rule plays an extremely critical role in ensuring the health, safety, dignity, and quality of life for individual's receiving services and is often touted by others as a benchmark within the industry. However, there are still improvements within the system that need to be made. Ohio is a state that encourages innovation, investment, and continuous

improvement. The current system presents many challenges that could be addressed with a more comprehensive and thorough review of the MUI rule.

The coalition asks the Department to utilize the rule workgroup to consider all aspects of the rule and process, and how they may negatively impact providers, people with disabilities, DSP's, and the system, particularly in terms of disruptions to care and administrative costs. As stated earlier, we are very appreciative of the Department's efforts to streamline and structure the MUI rule. And while we are supportive of most of the changes, we also ask the Department to allow more time for meaningful discussion of the MUI rule and process.

Sincerely,

Ohio Provider Resource Association
Ohio Association of County Boards
Ohio Health Care Association