

Proposed Changes for MUI Rule: “Appendix Modification”

- Realign the “Appendix” areas to include 3 separate appendixes.
 - **Appendix A** – For Law Enforcement Cases (only criminal protocol)
 - **Appendix B** – For County Board & ICF cases (non-criminal protocol)
 - **Appendix C** – For County Board & ICF cases (non-protocol)

- **(Appendix A cases): <Criminal Protocol Cases>**
 - Create brand new appendix. Currently does not exist in rule.
 - For criminal protocol cases only (Law Enforcement Responsibility)
 - Clear & Convincing Evidence (minimum standard)
 - Lead Enforcement Agency responsibility, Children Services, State Directed Investigations & Abuser Registry matters
 - Implement clear responsibilities under this area.
 - Existing “standard” is not achievable by County Board practices, operation or mission since these cases are most often handled and investigated by outside authorities (lead enforcement) agencies.
 - Change “standard” to “general guidelines” for County Boards.
 - Allow for cases to be downgraded to Appendix B matters when a lead investigative agency does not investigate and county board assumes responsibility.
 - Should not require a full investigation report by County Board; only provide updates via ITS system for DODD review for consideration of Registry action. DODD Abuser Registry Unit to work with County Board, lead enforcement agency and prosecutor to gather documents needed for Registry action.
 - Criminal Investigation area.
 - Many factors to consider since County Boards have no investigative tools or authority to conduct criminal investigation matters.
 - Only DODD shall have authority to close these cases
 - These cases should not be considered for review and/or findings by DODD at County Board MUI Annual or Accreditation reviews as County Boards have no authority in these cases. These cases are managed outside the control of the County Board.

- **(Appendix B cases): <Non-Criminal Protocol Cases>**
 - Replaces current “Appendix A” in the rule.
 - For all other non-criminal protocol cases only
 - Preponderance of Evidence (minimum standard)
 - County Board, Developmental Center & ICF Responsibility
 - Implement clear responsibilities under this area:
 - The existing “standard” under the current “Appendix A” should be modified to reflect “best practices/standards” for County Boards under the new “Appendix B.”

- Allow for cases to be upgraded to “Appendix A” when the case is determined to be a potentially criminal matter. The lead enforcement agency shall then investigate and assume responsibility under “Appendix A” guidelines.
 - Will require a full investigation report by the County Board and matters that are considered possible Registry issues will proceed as we currently do. County Board and involved agencies will gather documents needed for potential Registry action.
 - Administrative Investigation area.
 - Requires ICF’s to have input access directly into the ITS system as they will perform their own investigations under “Appendix B.” ICF cases shall be monitored via ITS by County Boards and DODD. Add a special section in new rule that allows for County Boards to open their own (separate) investigation involving an ICF when it involves an ICF staff member or at the discretion of the county board.
 - Only DODD shall have authority to close these cases
- These cases will be considered for review and/or findings by DODD at County Board MUI Annual or Accreditation reviews as County Boards have full authority in these cases. These cases will be managed by the County Board and ICF’s: individually, separately or jointly.
 - The ICF’s are regulated by the Ohio Department of Health, not the DODD. Therefore, there are many issues that need to be discussed at open committee as to why county boards are involved in cases that occur in ICF settings where DODD and county boards do not regulate them.
 - ICF employees such as QMRP’s can be “certified” under the rule to perform their own investigations.
 - Current system (rule) allows for separate and/or joint investigations but this has created disputes throughout the system while absorbing local resources because of the dual responsibilities.
 - County boards are held to a biased standard (during reviews) when they choose to adopt an ICF investigation when it does not meet all the “requirements” in the current “Appendix A” in rule. This practice needs to be modified or eliminated.
 - Routine hospitalizations, injuries, medical emergencies, rights code violations, UBS and some other non-protocol matters can be solely managed by ICF’s without County Board involvement and still be reported to the DODD if they can gain access to the ITS.
- **(Appendix C): <Non-Protocol Cases>**
 - Replaces current “Appendix B” in the rule
 - For all non-protocol cases only
 - Fact based administrative reviews (minimum standard)
 - County Boards, Developmental Centers & ICF Responsibility

- Implement clear responsibilities under this area (for each entity):
 - The existing “standard” under the current “Appendix B” could be modified to reflect new “standards” for County Boards under the new “Appendix C.”
 - The new “Appendix A” shall reflect “general guidelines.”
 - The new “Appendix B” shall reflect “best practices”
 - The new “Appendix C” shall have defined “standards”
 - Allow for cases to be upgraded to “Appendix A or B” when warranted or requested by DODD.
 - Will require a full review, not investigation by the County Board; will not require a full and final investigation report either. The County Board shall input all relevant and required information into the ITS with prevention plan. This information will be considered the County Board’s final report.
 - Developmental Centers and ICF shall follow the federal requirements as mandated by law.
 - Requires ICF’s to have input access directly into the ITS system as they will perform their own investigations under “Appendix C.” ICF cases shall be monitored via ITS by County Boards and DODD. Add a special section in new rule that allows for County Boards to open their own (separate) investigation involving an ICF when it involves an ICF staff member or at county board discretion.
 - County Boards shall have authority to close these cases
- These cases will be considered for review and/or findings by DODD at County Board MUI Annual or Accreditation reviews as County Boards have authority in these cases.
 - County Board non-protocol cases are regulated by the DODD.
 - DC and ICF non-protocol cases are regulated by the Ohio Department of Health. Relevant reviews and findings shall be determined by the ODH.
 - Routine hospitalizations, injuries, medical emergencies, rights code violations, UBS and some other non-protocol matters can be solely managed by ICF’s without County Board involvement and still be reported to the DODD if they are granted access to the ITS.