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In response to FAQs, ODA (1) highlighted the database URLs by moving them to a table at the beginning of the rule, (2) explain the requirements to review databases *before every* criminal records check, and (3) added a table to match that for criminal records checks in rule 173-9-04.

173-9-03

Reviewing databases (for all responsible parties except the self-employed).

← To keep the rule simple, ODA moved language that is just for the self-employed to rule 173-9-03.1

(A) Databases to review: Any time this rule requires a responsible party to review an applicant's (pre-hire) or employee's (post-hire) status in databases, the responsible party shall review the following six databases:

DATABASES TO REVIEW

<u>SAM</u>	https://www.sam.gov/
<u>OIG</u>	http://exclusions.oig.hhs.gov/
<u>Abuser Registry</u>	https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx
<u>Sex-Offender Search</u>	http://www.icrimewatch.net/index.php?AgencyID=55149&disc=
<u>Offender Search</u>	http://www.drc.ohio.gov/OffenderSearch/Search.aspx
<u>Nurse-Aide Registry</u>	https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx

- (1) The United States general services administration's system for award management.
- (2) The office of inspector general of the United States department of health and human services' list of excluded individuals.
- (3) The department of developmental disabilities' online abuser registry that lists people cited for abuse, neglect, or misappropriation.
- (4) The Ohio attorney general's sex offender and child-victim offender database.
- (5) The department of rehabilitation and correction's database of inmates.
- (6) The department of health's state nurse aide registry. If the applicant or employee does not present proof that he or she has been a resident of Ohio for the five-year period immediately preceding the date of the database review, the responsible party shall conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.

(B) When to review databases:

WHEN TO REVIEW DATABASES

<u>POSITIONS</u>	<u>APPLICANTS (PRE-HIRE)</u>	<u>EMPLOYEES</u>
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		(POST-HIRE)
Ombudsman position	Required	Required
Direct-care position: Only delivers meals	Required	Not required
Direct-care position: Only has access to consumers' personal records	Required	Not required
Direct-care position: Only provides a specified once-ever service	Required	Not required
Transportation position: If applying for, or employed by, a county transit system, regional transit authority, or regional transit commission	Not required	Not required
Transportation position: If applying for, or employed by, a provider other than a county transit system, regional transit authority, or regional transit commission, the position is a direct-care position	Required	Required
All direct-care positions not listed above	Required	Required

Because the rule doesn't prohibit, but allows post-hire checks for certain direct-care positions, ODA replaced "Yes" and "No" with "Required" and "Not required."

New exemption from H.B.59

(1) [Applicants \(pre-hire\): The responsible party shall review each applicant's \(pre-hire\) status in the databases before conducting the criminal records check that rule 173-9-04 of the Administrative Code requires for applicants.](#)

(2) [Employees \(post-hire\): The responsible party shall review each employee's \(post-hire\) status in the databases before conducting the criminal records check that rule 173-9-04 of the Administrative Code requires for employees. Because rule 173-9-02 of the Administrative Code does not require criminal records checks on employees \(post-hire\) in three types of direct-care positions, the responsible party is not required to review databases on employees \(post-hire\) in the same three types of direct-care positions.](#)

(C) [Disqualifying status:](#)

- (1) No responsible party shall hire an applicant or retain an employee if the applicant's or employee's status in the databases reveals the following:
- (a) One or more of the databases in paragraphs (A)(1) to (A)(5) of this rule lists the applicant or employee.
 - (b) The database in paragraph (A)(6) of this rule lists the applicant or employee as a person who neglected or abused a long-term care facility resident or residential care facility resident or misappropriated such a resident's property.
- (2) If the responsible party's database reviews reveal that the applicant or employee is disqualified, the responsible party shall inform the applicant or employee of the disqualifying information.
- (D) Referrals from employment services: A responsible party is not required to review the databases if the applicant or employee of a direct-care position was referred to the responsible party by an employment service that refers applicants to responsible parties to fill full-time, part-time, or temporary direct-care positions if the responsible party obtains copies of records from the employment service that verify that the applicant's or employee's status in the databases does not disqualify him or her.