

173-9-04.1

When to check criminal records, pay fees, and use forms (for the self-employed).

(A) Database reviews first: The responsible party shall review databases on ~~himself or herself~~ a self-employed provider before checking ~~his or her~~ the self-employed provider's criminal records. If the database reviews disqualify the ~~responsible party self-employed provider~~, the responsible party shall not conduct a criminal records check. If the database reviews did not disqualify the ~~responsible party self-employed provider~~, the responsible party shall conduct a criminal records check.

(B) When to check criminal records:

WHEN TO CHECK CRIMINAL RECORDS

POSITION	CHECK BEFORE APPLYING THE <u>SELF-EMPLOYED PROVIDER APPLIES TO</u> BECOME AN ODA-CERTIFIED PROVIDER OR BEFORE <u>BIDDING BIDS</u> FOR A PROVIDER AGREEMENT OR SUB-CONTRACT	CHECK AFTER BECOMING THE <u>SELF-EMPLOYED</u> BECOMES AN ODA-CERTIFIED PROVIDER OR AFTER <u>ENTERING HAS</u> ENTERED INTO A PROVIDER AGREEMENT OR SUB-CONTRACT
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 with a county transit system, regional transit authority, or regional transit commission	Not required	Not required
Transportation position other than a position with a county transit system, regional transit authority,	Required	Required

or regional transit commission, the position is a direct-care position		
All direct-care positions not listed above	Required	Required

START DATES & DEADLINES FOR CHECKING CRIMINAL RECORDS

	START DATE	FIRST DEADLINE AFTER JANUARY 1, 2013	SUBSEQUENT DEADLINES
Before the responsible party self-employed provider applied to become an ODA-certified provider or before the responsible party self-employed provider bid for a provider agreement or sub-contract	Before the responsible party self-employed provider applied to become an ODA-certified provider or before the responsible party self-employed provider bid for a provider agreement or sub-contract	Fingerprinting before ODA certifies the responsible party self-employed provider ; or before an AAA enters into a provider agreement with the self-employed provider ; before another responsible party enters into a sub-contract, and before the end of the sixty-day period of conditional status (if the responsible party utilized the conditional status option in rule 173-9-05.1 of the Administrative Code)	Not applicable: (See rows below:)
Five-year schedule if the responsible party self-employed provider became an ODA-certified provider or entered into a provider agreement or sub-contract before 2008	Any time, but only if the database reviews don't disqualify the responsible party self-employed provider	2013 anniversary of certification; or agreement; or sub-contract + 30 days	Every 5th-year anniversary of certification; or agreement; or sub-contract + 30 days

<p>Five-year schedule if the responsible party <u>self-employed provider</u> became an ODA-certified provider or entered into a provider agreement or sub-contract in 2008 or a later date</p>	<p>Any time, but only if the database reviews don't disqualify the responsible party <u>self-employed provider</u></p>	<p>First 5th-year anniversary of certification; or agreement, or sub-contract + 30 days</p>	<p>Every 5th-year anniversary of certification; or agreement, or sub-contract + 30 days</p>
<p>Less-than five-year schedule</p>	<p>Any time, but only if the database reviews don't disqualify the responsible party <u>self-employed provider</u></p>	<p>No deadline, so long as more frequent than every 5 years</p>	<p>No deadline, so long as more frequent than every 5 years</p>

- (1) ~~Before applying to~~ When a self-employed provider applies to become ODA-certified, or before bidding for a provider agreement ~~or sub-contract~~, the responsible party shall check ~~his or her~~ the self-employed provider's criminal records.

- (2) After becoming ODA-certified, or after entering into a provider agreement ~~or sub-contract~~, the responsible party shall check ~~his or her~~ the self-employed provider's criminal records at least once every five years, unless the ~~responsible party's~~ self-employed provider's direct-care position is listed under paragraph (B) of rule 173-9-02 of the Administrative Code:
 - (a) Five-year schedule (pre-2008): If the ~~responsible party~~ self-employed provider became ODA-certified provider or entered into a provider agreement with ODA (or an area agency on aging) before January 1, 2008, the responsible party shall conduct a criminal records check on ~~itself~~ the self-employed provider no later than thirty days after the 2013 anniversary of ~~its~~ the self-employed provider's certification; ~~or~~ provider agreement, ~~or sub-contract~~ and no later than thirty days after each anniversary every five years after 2013. If the ~~responsible party~~ self-employed provider serves consumers both as an ODA-certified provider and through a provider agreement, the anniversary date is the anniversary of whichever occurred first: the certification or the agreement. A responsible party that follows this schedule is not required to wait until ~~its~~ the self-employed provider's anniversary to conduct a criminal records check.

- (b) Five-year schedule (2008-present): If the ~~responsible party~~ self-employed provider became an ODA-certified provider or entered into a provider agreement with ODA (or an area agency on aging) on or after January 1, 2008, the responsible party shall conduct a criminal records check on ~~itself~~ the self-employed provider no later than thirty days after the fifth anniversary of ~~its~~ the self-employed provider's certification or provider agreement and no later than thirty days after each five-year anniversary. If the ~~responsible party~~ self-employed provider serves consumers both as an ODA-certified provider and through a provider agreement, the anniversary date is the anniversary of whichever occurred first: the certification or the agreement. A responsible party that follows this schedule is not required to wait until ~~its~~ the self-employed provider's five-year anniversary to conduct a criminal records check.
- (c) Less-than-five-year schedule: The responsible party may conduct criminal records checks on ~~itself~~ a self-employed provider more frequently than every five years. If the responsible party checks more frequently than every five years, the responsible party is not responsible for conducting criminal records checks according to the five-year schedules. If a responsible party complies with the requirements for rapback, the responsible party is conducting criminal records checks on a daily basis, which is a less-than-five-year schedule.
- (3) Reverification: If a responsible party has obtained criminal records on ~~himself or herself~~ the self-employed provider during the past year, the responsible party may request a reverification of the criminal record from BCII. The reverification of the criminal record has the same validity as the criminal records obtained during the past year.
- (C) When to check the FBI's criminal records: If a ~~responsible party~~ self-employed provider has not been a resident of Ohio for the five-year period immediately preceding the date the responsible party must check criminal records, the responsible party shall request that BCII also obtain the FBI's criminal records.
- (D) Investigation fees: ~~The responsible party shall pay BCII the fees that divisions (C)(2) and (C)(3) of section 109.572 of the Revised Code authorize for each criminal records check.~~
- (1) The responsible party shall pay to BCII the fees that divisions (C)(2) and (C)(3) of section 109.572 of the Revised Code authorize for each criminal records check.
- (2) The responsible party may charge the self-employed provider a fee for checking

criminal records so long as the fee does not exceed the amount the responsible party pays to BCII.

(E) Forms: Unless the procedures that BCII established in rule 109:5-1-01 of the Administrative Code for providing fingerprint impressions electronically and requesting criminal records electronically, the responsible party shall complete the following two tasks:

- (1) The responsible party shall use the form(s) that BCII requires in division (C)(1) of section 109.572 of the Revised Code.
- (2) The responsible party shall forward the completed fingerprints and forms to BCII for processing.