



Ohio Administrative Code

Rule 173-9-04 Background checks for paid direct-care positions: who to check, procedures, deadlines, and special situations.

Effective: November 1, 2023

(A) Who to check: The tables to appendix A to this rule determine on which applicants, employees, and self-employed providers to conduct a criminal records check with BCII.

(B) Procedures: Sections 173.38 and 173.381 of the Revised Code and chapter 109:5-1 of the Administrative Code establish the procedures for conducting criminal records checks.

(C) Deadlines: The tables to appendix B to this rule establish the deadlines for a responsible party to conduct a criminal records check with BCII on the applicant, employee, or self-employed provider identified under paragraph (A) of this rule.

(D) Special situations:

(1) Reverification: If any person has requested a criminal records check from BCII on the person identified under paragraph (B) of this rule in the past year that required BCII to include sealed criminal records, the responsible party may request a reverification of the criminal records from BCII. The reverification of the criminal records has the same validity as the criminal records received during the past year.

(2) FBI records: Division (F) of section 173.38 and division (F) of section 173.381 of the Revised Code establish standards for when to request that BCII obtain information from FBI as part of the criminal records check on the applicant, employee, or self-employed provider identified under paragraph (A) of this rule.

(3) Referrals from an employment service: Division (G) of section 173.38 of the Revised Code establishes an exception to the requirement to conduct a criminal records check on an applicant or employee referred to a responsible party by an employment agency.

(4) Participant-directed providers: Rules 173-40-06 and 173-42-06 of the Administrative Code



establish a requirement for PAAs to assist consumers enrolled in the PASSPORT program with their duties under this rule as responsible parties for participant-directed providers.