



## Ohio Administrative Code

### Rule 173-9-06 Background checks for paid direct-care positions: disqualifying offenses.

Effective: November 1, 2023

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(A) No responsible party may hire an applicant or subcontract with a self-employed provider, retain an employee or a self-employed provider, certify a self-employed provider, fail to revoke a self-employed person's certification, enter into an AAA-provider agreement (agreement) with a self-employed provider, or fail to terminate that agreement, if the applicant, employee, or self-employed provider was convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction to an offense in any of the following sections of the Revised Code unless allowed under rule 173-9-07 of the Administrative Code:

- (1) 959.13 (cruelty to animals).
- (2) 959.131 (prohibitions concerning companion animals).
- (3) 2903.01 (aggravated murder).
- (4) 2903.02 (murder).
- (5) 2903.03 (voluntary manslaughter).
- (6) 2903.04 (involuntary manslaughter).
- (7) 2903.041 (reckless homicide).
- (8) 2903.11 (felonious assault).
- (9) 2903.12 (aggravated assault).
- (10) 2903.13 (assault).



- (11) 2903.15 (permitting child abuse).
- (12) 2903.16 (knowingly or recklessly failing to provide for a functionally-impaired person).
- (13) 2903.21 (aggravated menacing).
- (14) 2903.211 (menacing by stalking).
- (15) 2903.22 (menacing).
- (16) 2903.34 (patient abuse, gross patient abuse, patient neglect).
- (17) 2903.341 (patient endangerment).
- (18) 2905.01 (kidnapping).
- (19) 2905.02 (abduction).
- (20) 2905.04 (child stealing, as it existed before July 1, 1996).
- (21) 2905.05 (criminal child enticement).
- (22) 2905.11 (extortion).
- (23) 2905.12 (coercion).
- (24) 2905.32 (trafficking in persons).
- (25) 2905.33 (unlawful conduct with respect to documents).
- (26) 2907.02 (rape).
- (27) 2907.03 (sexually battery).



- (28) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor).
- (29) 2907.05 (gross sexual imposition).
- (30) 2907.06 (sexual imposition).
- (31) 2907.07 (importuning).
- (32) 2907.08 (voyeurism).
- (33) 2907.09 (public indecency).
- (34) 2907.12 (felonious sexual penetration, as it existed before July 1, 1996).
- (35) 2907.21 (compelling prostitution).
- (36) 2907.22 (promoting prostitution).
- (37) 2907.23 (enticing or soliciting another person to patronize a prostitute or brothel; procurement of a prostitute for another person to patronize).
- (38) 2907.24 (soliciting, engaging in solicitation after a positive HIV test).
- (39) 2907.25 (prostitution, engaging in prostitution after a positive HIV test).
- (40) 2907.31 (disseminating matter harmful to juveniles).
- (41) 2907.32 (pandering obscenity).
- (42) 2907.321 (pandering obscenity involving a minor or impaired person).
- (43) 2907.322 (pandering sexually-oriented matter involving a minor or impaired person).



(44) 2907.323 (illegal use of a minor or impaired person in a nudity-oriented material or performance).

(45) 2907.33 (deception to obtain matter harmful to juveniles).

(46) 2909.02 (aggravated arson).

(47) 2909.03 (arson).

(48) 2909.04 (disrupting public services).

(49) 2909.22 (soliciting or providing support for an act of terrorism).

(50) 2909.23 (making a terroristic threat).

(51) 2909.24 (terrorism).

(52) 2911.01 (aggravated robbery).

(53) 2911.02 (robbery);.

(54) 2911.11 (aggravated burglary).

(55) 2911.12 (burglary, trespass in a habitation when a person is present or likely to be present).

(56) 2911.13 (breaking and entering).

(57) 2913.02 (theft).

(58) 2913.03 (unauthorized use of a vehicle).

(59) 2913.04 (unauthorized use of property; unauthorized use of computer, cable, or



telecommunication property; unauthorized use of the law enforcement automated database system; unauthorized use of the Ohio law enforcement gateway).

(60) 2913.05 (telecommunications fraud).

(61) 2913.11 (passing bad checks).

(62) 2913.21 (misuse of credit cards).

(63) 2913.31 (forgery, forging identification cards or selling or distributing forged identification cards).

(64) 2913.32 (criminal simulation).

(65) 2913.40 (medicaid fraud).

(66) 2913.41 (defrauding a rental agency or hostelry).

(67) 2913.42 (tampering with records).

(68) 2913.43 (securing writings by deception).

(69) 2913.44 (personating an officer).

(70) 2913.441 (unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers).

(71) 2913.45 (defrauding creditors).

(72) 2913.46 (illegal use of SNAP or WIC program benefits).

(73) 2913.47 (insurance fraud).



- (74) 2913.48 (workers' compensation fraud).
- (75) 2913.49 (identity fraud).
- (76) 2913.51 (receiving stolen property).
- (77) 2917.01 (inciting to violence).
- (78) 2917.02 (aggravated riot).
- (79) 2917.03 (riot).
- (80) 2917.31 (inducing panic).
- (81) 2919.12 (unlawful abortion).
- (82) 2919.121 (unlawful abortion upon minor).
- (83) 2919.123 (unlawful distribution of an abortion-inducing drug).
- (84) 2919.124 (unlawful performance of a drug-induced abortion).
- (85) 2919.22 (endangering children).
- (86) 2919.23 (interference with custody).
- (87) 2919.24 (contributing to unruliness or delinquency of child).
- (88) 2919.25 (domestic violence).
- (89) 2921.03 (intimidation).
- (90) 2921.11 (perjury).



(91) 2921.12 (tampering with evidence).

(92) 2921.13 (falsification, falsification in a theft offense, falsification to purchase a firearm, falsification to obtain a concealed handgun license, falsification regarding a removal proceeding).

(93) .2921.21 (compounding a crime).

(94) 2921.24 (disclosure of confidential information).

(95) 2921.32 (obstructing justice).

(96) 2921.321 (assaulting or harassing a police dog or horse assaulting or harassing an assistance dog).

(97) 2921.34 (escape).

(98) 2921.35 (aiding escape or resistance to lawful authority).

(99) 2921.36 (illegal conveyance of weapons, drugs, intoxicating liquor, or a communications device onto the grounds of specified government facility, illegal conveyance of cash onto the grounds of a detention facility).

(100) 2921.51 (impersonation of peace officer, private police officer, federal law enforcement officer, or BCII investigator).

(101) 2923.01 (conspiracy to commit a disqualifying offense).

(102) 2923.02 (attempt to commit a disqualifying offense).

(103) .2923.03 (complicity related to another disqualifying offense).

(104) 2923.12 (carrying concealed weapons).



(105) 2923.122 (illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone).

(106) 2923.123 (illegal conveyance of a deadly weapon into a courthouse illegal , possession, or control of deadly weapon or ordnance into a courthouse).

(107) 2923.13 (having weapons while under disability).

(108) 2923.161 (improperly discharging a firearm at or into a habitation, school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function).

(109) 2923.162 (discharge of firearm on or near prohibited premises).

(110) 2923.21 (improperly furnishing firearms to minor).

(111) 2923.32 (engaging in a pattern of corrupt activity).

(112) 2923.42 (participating in criminal gang).

(113) 2925.02 (corrupting another with drugs).

(114) 2925.03 (aggravated trafficking in drugs, trafficking in drugs, trafficking in marihuana [marijuana], trafficking in cocaine, trafficking in LSD, trafficking in heroin, trafficking in hashish, trafficking in a controlled substance analog, trafficking in a fentanyl-related compound).

(115) 2925.04 (illegal manufacture of drugs, illegal cultivation of marijuana).

(116) 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs).

(117) 2925.05 (aggravated funding of drug or marihuana [marijuana] trafficking, drug or marihuana





[marijuana] trafficking).

(118) 2925.06 (illegal administration or distribution of anabolic steroids),

(119) 2925.09 (illegal administration, dispensing, distribution, manufacture, possession, selling, or using of any dangerous drug to or for livestock or any animal that is generally used for food or in the production of food, unless the drug is prescribed by a licensed veterinarian).

(120) 2925.11 (aggravated possession of drugs, possession of drugs, possession of cocaine, possession of LSD, possession of heroin, possession of hashish, possession of a controlled substance analog, possession of marihuana [marijuana], possession of a fentanyl-related compound).

(121) 2925.13 (permitting drug abuse).

(122) 2925.14 (illegal use, possession, dealing, selling to a juvenile, or advertising of drug paraphernalia).

(123) 2925.22 (deception to obtain a dangerous drug).

(124) 2925.23 (illegal processing of drug documents).

(125) 2925.24 (tampering with drugs).

(126) 2925.36 (illegal dispensing of drug samples).

(127) 2925.55 (unlawful purchase of a pseudoephedrine or ephedrine product, underage purchase of a pseudoephedrine or ephedrine product, using false information to purchase a pseudoephedrine or ephedrine product, improper purchase of a pseudoephedrine or ephedrine product).

(128) 2925.56 (unlawfully selling a pseudoephedrine or ephedrine product; unlawfully selling a pseudoephedrine or ephedrine product to a minor; improper sale of a pseudoephedrine or ephedrine product).



(129) 2927.12 (ethnic intimidation).

(130) 3716.11 (placing harmful objects in food or confection).

(B) No responsible party may hire an applicant or subcontract with a self-employed provider, retain an employee or subcontracted self-employed provider, certify a self-employed provider, fail to revoke a self-employed provider's certification, enter into an agreement with a self-employed provider, or fail to terminate that agreement, if the applicant, employee, or self-employed provider was convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction to an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses described in paragraph (A) of this rule, unless allowed under rule 173-9-07 of the Administrative Code.