



## Ohio Administrative Code Rule 3701-13-07 Records and reports.

Effective: December 8, 2023

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(A) Criminal records check disclosure. The report of the criminal records check conducted pursuant to a request made under rule 3701-13-03 of the Administrative Code is not a public record for the purposes of section 149.43 of the Revised Code and is not permitted to be made available to any person other than the following:

- (1) The individual who is the subject of the criminal records check or the individual's representative;
- (2) The chief administrator of the DCP requesting the criminal records check or the administrator's representative;
- (3) The chief administrator of the DCP, any other DCP, home health agency defined under section 3740.01 of the Revised Code, or PASSPORT agency that provides direct care to older adults that is owned or operated by the same entity that owns or operates the DCP;
- (4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment of the applicant or dealing with employment or unemployment benefits; or
- (5) Any person to whom a report is provided pursuant to paragraph (H) of rule 3701-13-03 of the Administrative Code or paragraph (B) of 3701-13-04 of the Administrative Code.

(B) Personnel record. The DCP is obligated to maintain the criminal records report in a confidential manner either sealed within, or separate from but a part of, the personnel record.

(C) Attestation. It is mandatory that the DCP, upon request, provide to the director written confirmation of compliance with the provisions of this rule in a format that is specified by the director and is consistent with state law.

(D) Documentation of compliance. The DCP is obligated to maintain an applicant log separate from



the personnel record that is accessible to the director and contains the following information:

- (1) The name of each applicant;
- (2) Application date;
- (3) The date the applicant starts work;
- (4) The date the criminal records check request is submitted to BCII;
- (5) The type(s) of criminal records checks requested (BCII, FBI, or both);
- (6) The date(s) the BCII and FBI checks are received or, for referred applicants or applicants employed pursuant to a contract, the date a copy of the report of the criminal records check is provided to the DCP for its records;
- (7) The date the report is completed by BCII, "date of original record check";
- (8) Whether the applicant was hired pursuant to the personal character standards listed in rule 3701-13-06 of the Administrative Code;
- (9) Final disposition of the applicant; and
- (10) Whether the applicant was terminated pursuant to paragraph (D)(1), paragraph (D)(2) or paragraph (E) of rule 3701-13-04 of the Administrative Code.