

173-9-03.1

Background checks: paid direct-care positions: Reviewing reviewing databases (for the self-employed).

(A) Databases to review: Any time this rule requires a responsible party to review a self-employed provider's status in databases, the responsible party shall review the following six databases:

DATABASES TO REVIEW	
SAM	https://www.sam.gov/
OIG	http://exclusions.oig.hhs.gov/
Abuser Registry	https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx
Sex-Offender Search	http://www.icrimewatch.net/index.php?AgencyID=55149&disc=
Offender Search	http://www.drc.ohio.gov/OffenderSearch/Search.aspx
Nurse-Aide Registry	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		
SELF-EMPLOYED DIRECT-CARE POSITIONS	WHEN APPLYING TO BECOME ODA-CERTIFIED OR WHEN BIDDING FOR A <u>AN AAA-PROVIDER</u> AGREEMENT	AFTER BECOMING ODA-CERTIFIED OR WHEN ENTERING INTO A <u>AN AAA-PROVIDER</u> AGREEMENT
Only delivers meals	Required	Not required
Only has access to consumers' <u>or individuals'</u> personal records	Required	Not required
Only provides a specified once-ever service	Required	Not required
All other self-employed direct-care positions not listed above	Required	Required

- (1) When the self-employed provider applies to become ODA-certified or bids for a an AAA-provider agreement, the responsible party shall review the self-employed provider's status in the databases before checking the self-employed provider's criminal records.
- (2) After the self-employed provider is ODA-certified or has entered into a an AAA-provider agreement, the responsible party may review the self-employed provider's status in the databases at any time. But, the responsible party shall review the self-employed provider's status in the databases no less often than each time that the responsible party conducts a criminal records check according to one of the schedules in rule 173-9-04.1 of the Administrative Code. If the self-employed provider provides services equivalent to one of the direct-care positions under paragraph (B) of rule 173-9-02 of the Administrative Code, the responsible party is not required to conduct subsequent databased reviews and criminal records checks after the self-employed provider becomes ODA-certified or has entered into a an AAA-provider agreement.
- (C) Disqualifying status: No responsible party shall certify a self-employed provider to provide a direct-care service, enter into a an AAA-provider agreement with a self-employed provider, fail to terminate a an AAA-provider agreement with a self-employed provider, or fail to revoke a self-employed provider's certification, if

the self-employed person's status in the databases reveals that one or more of the databases in paragraphs (A)(1) to (A)(5) of this rule lists the self-employed provider or the database in paragraph (A)(6) of this rule lists the self-employed provider 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.

Effective: 08/01/2017

Five Year Review (FYR) Dates: 05/04/2017 and 08/01/2022

CERTIFIED ELECTRONICALLY

Certification

07/11/2017

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.381, 173.391, 173.392; Section 305(a)(1)(C) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R. 1321.11 (October, 2016 edition).
Rule Amplifies: 173.381
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