

173-9-03.1

**Reviewing databases (for the self-employed).**

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

## DATABASES TO REVIEW

SAM	<a href="https://www.sam.gov/">https://www.sam.gov/</a>
OIG	<a href="http://exclusions.oig.hhs.gov/">http://exclusions.oig.hhs.gov/</a>
Abuser Registry	<a href="https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx">https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx</a>
Sex-Offender Search	<a href="http://www.icrimewatch.net/index.php?AgencyID=55149&amp;disc=">http://www.icrimewatch.net/index.php?AgencyID=55149&amp;disc=</a>
Offender Search	<a href="http://www.drc.ohio.gov/OffenderSearch/Search.aspx">http://www.drc.ohio.gov/OffenderSearch/Search.aspx</a>
Nurse-Aide Registry	<a href="https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx">https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx</a>

- (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

POSITIONS	BEFORE APPLYING TO BECOME	AFTER BECOMING ODA-CERTIFIED OR
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	ODA-CERTIFIED OR BEFORE BIDDING FOR A PROVIDER AGREEMENT OR SUB-CONTRACT	AFTER ENTERING INTO A PROVIDER AGREEMENT OR SUB-CONTRACT
Direct-care position: Only delivers meals (as sub-contractor)	<u>Required</u>	<u>Not required</u>
Direct-care position: Only has access to consumers' personal records (as sub-contractor)	<u>Required</u>	<u>Not required</u>
Direct-care position: Only provides a specified once-ever service	<u>Required</u>	<u>Not required</u>
<u>Transportation position: If applying for, or employed by, a county transit system, regional transit authority, or regional transit commission</u>	<u>Not required</u>	<u>Not required</u>
Transportation position: If applying for, or employed by, a provider other than a county transit system, regional transit authority, or regional transit commission, the position is a direct-care position	<u>Required</u>	<u>Required</u>
All direct-care positions not listed above	<u>Required</u>	<u>Required</u>

- (1) Before applying to become ODA-certified, or before bidding for a provider agreement or sub-contract, the responsible party shall review his or her status in the databases before checking his or her criminal records.
- (2) After becoming ODA-certified, or after entering into a provider agreement or sub-contract, the responsible party shall review his or her status in the databases before 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 responsible party 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 database reviews and criminal records checks after becoming ODA-certified or after entering into a provider agreement or sub-contract.

(C) Disqualifying status: No responsible party shall provide a direct-care service if his or her status in the databases reveals the following:

(1) One or more of the databases in paragraphs (A)(1) to (A)(5) of this rule lists the responsible party.

(2) The database in paragraph (A)(6) of this rule lists the responsible party 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.

Replaces: 173-9-03

Effective:

R.C. 119.032 review dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.27, 173.38, 173.391, 173.392;  
Sections 305(a)(1)(C) and 712(a)(5)(D) of the Older  
Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001,  
as amended in 2006; 45 C.F.R. 1321.11 (10-01-2013  
edition)  
Rule Amplifies: 173.27, 173.38; 42 C.F.R. 460.68(a), 460.71(a)(1), and  
460.71(a)(2) (10-01-2013 edition)  
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