

TO BE RESCINDED

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	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

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

- (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.

Effective:

Five Year Review (FYR) Dates: 10/30/2014

Certification

Date

Promulgated Under:

119.03

Statutory Authority:

173.01, 173.02, 173.381, 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 (October 1, 2014 edition)

Rule Amplifies:

173.381

Prior Effective Dates:

01/01/2013, 04/01/2014