

173-9-03**Background checks for paid direct-care positions: reviewing databases.**

(A) When to review: Whenever rule 173-9-04 of the Administrative Code requires a responsible party to conduct a criminal records check with BCII on an applicant, employee, or self-employed provider, the responsible party shall review the databases listed under paragraph (B) of this rule to see if the applicant, employee, or self-employed provider has a disqualifying status in any of those databases and do so on the same day as the criminal records check if the responsible party is an agency provider or before the criminal records check if the responsible party is ODA, an AAA, a PAA, or a consumer. The responsible party may use the automated registry check system (ARCS) to review all databases listed under paragraph (B) of this rule at the same time and on a continual basis.

(B) Databases to review: If the URL associated with any of the following databases becomes obsolete, please consult with the government entity publishing the database for an updated URL:

- (1) The United States general services administration's system for award management (<https://www.sam.gov/>), which is maintained pursuant to subpart 9.4 of the federal acquisition regulation.
- (2) The office of inspector general of the United States department of health and human services' list of excluded individuals and entities (<https://exclusions.oig.hhs.gov/>), which is maintained pursuant to sections 1128 and 1156 of the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; or, if using ODM's automated registry check system (ARCS), the medicare exclusion database which is maintained pursuant to 42 C.F.R. 455.436.
- (3) The department of developmental disabilities' online abuser registry ([https://its.prodapps.dodd.ohio.gov/ABR Default.aspx](https://its.prodapps.dodd.ohio.gov/ABRDefault.aspx)), established under section 5123.52 of the Revised Code, which lists people cited for abuse, neglect, or misappropriation.
- (4) The department of medicaid's online provider exclusion and suspension list (<http://medicaid.ohio.gov/provider/EnrollmentandSupport/ProviderExclusionandSuspensionList>).
- (5) The Ohio attorney general's sex offender and child-victim offender database (<http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>), established under division (A)(1) of section 2950.13 of the Revised Code.

- (6) The department of rehabilitation and correction's database of inmates (<https://appgateway.drc.ohio.gov/OffenderSearch>), established under section 5120.66 of the Revised Code.
- (7) The department of health's state nurse aide registry (https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx), established under section 3721.32 of the Revised Code. If the applicant or employee does not present proof of Ohio residency for the five-year period immediately preceding the date of the database review, the responsible party shall conduct a review of the nurse aide registry in the state or states in which the applicant or employee lived.

(C) Disqualifying status:

- (1) If an applicant's, employee's, or self-employed provider's name or alias appears in any of the databases listed in paragraphs (B)(1) to (B)(6) of this rule, the applicant, employee, or self-employed provider has a disqualifying status and is ineligible to work in a paid direct-care position.
- (2) If an applicant's, employee's, or self-employed provider's name or alias appears in a database listed in paragraph (B)(7) of this rule as a person who has abused or neglected a resident of a long-term care facility or residential care facility, or misappropriated such a resident's property, the applicant, employee, or self-employed provider has a disqualifying status and is ineligible to work in a paid direct-care position.

(D) Referral by an employment service: Division (G) of section 173.38 of the Revised Code establishes an exception to the requirement to review an applicant's or employee's status in the databases listed under paragraph (B) of this rule.

Replaces: 173-9-03, 173-9-03.1

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 121.07, 173.01, 173.02, 173.38, 173.381, 173.391, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11

Rule Amplifies: 173.38, 173.381; 42 C.F.R. 460.68, 460.71

Prior Effective Dates: 01/01/2013, 04/01/2014, 02/01/2015, 08/01/2017, 04/01/2018, 03/01/2019