

TO BE RESCINDED

173-9-03

Free database reviews.

(A) The responsible entity shall review the following free databases before conducting the criminal records checks required under paragraph (B) of rule 173-9-04 of the Administrative Code:

- (1) SAM: The United States general services administration's system for award management, which is available at <https://www.sam.gov/>;
- (2) OIG: The office of inspector general of the United States department of health and human services' list of excluded individuals, which is available at <http://exclusions.oig.hhs.gov/>;
- (3) Abuser registry: The department of developmental disabilities' registry of employees who cited for abuse, neglect, or misappropriation, which is available at https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx;
- (4) Sex offender search: The Ohio attorney general's sex offender and child-victim offender database, which is available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>;
- (5) Offender search: The department of rehabilitation and correction's database of inmates, which is available at <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>; and,
- (6) Nurse aide registry: The department of health's state nurse aide registry, which is available at https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx. 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 entity shall conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.

(B) No responsible entity shall employ an applicant or continue to employ an employee in a position that involves providing ombudsman services or direct-care services if any of the following apply:

- (1) Any of the databases listed in paragraphs (A)(1) to (A)(5) of this rule list the applicant or employee.
- (2) The database listed in paragraph (A)(6) of this rule lists the applicant or

employee as an individual who neglected or abused a long-term care facility resident or residential care facility resident or misappropriated such a resident's property.

- (C) If the responsible entity's review of the free databases listed under paragraph (A) of this rule discloses disqualifying information about an applicant or employee, the responsible entity shall inform the applicant or employee of the disqualifying information.
- (D) Employment-service exemption: Pursuant to division (G) of section 173.394 of the Revised Code, a responsible entity that provides direct-care services is not required to review the free databases listed under paragraph (A) of this rule if the applicant or employee was referred to the responsible entity by an employment service that refers applicants to responsible entities to fill full-time, part-time, or temporary positions involving direct care and the employment services provides the responsible entity with a report of the results of the review of the free databases that shows that the applicant or employee is not disqualified from direct-care employment.

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Effective:
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Certification

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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