

173-9-06

**Background checks for paid direct-care positions: disqualifying offenses.**

(A) ~~Except as established in rule 173-9-07 or 173-9-07.1 of the Administrative Code, no~~ No responsible party shall may hire an applicant or subcontract with a self-employed provider, retain an employee or a self-employed provider, certify a self-employed provider, fail to revoke a self-employed person's certification, enter into an AAA-provider agreement (agreement) with a self-employed provider, or fail to terminate that agreement, if the applicant, employee, or self-employed provider was convicted of, or pleaded guilty to, or has been found eligible for intervention in lieu of conviction to a violation of an offense in any of the following sections of the Revised Code unless allowed under rule 173-9-07 of the Administrative Code:

- (1) 959.13 (cruelty to animals);<sub>2</sub>
- (2) 959.131 (prohibitions concerning companion animals);<sub>2</sub>
- (3) 2903.01 (aggravated murder);<sub>2</sub>
- (4) 2903.02 (murder);<sub>2</sub>
- (5) 2903.03 (voluntary manslaughter);<sub>2</sub>
- (6) 2903.04 (involuntary manslaughter);<sub>2</sub>
- (7) 2903.041 (reckless homicide);<sub>2</sub>
- (8) 2903.11 (felonious assault);<sub>2</sub>
- (9) 2903.12 (aggravated assault);<sub>2</sub>
- (10) 2903.13 (assault);<sub>2</sub>
- (11) 2903.15 (permitting child abuse);<sub>2</sub>
- (12) 2903.16 (knowingly or recklessly failing to provide for a functionally-impaired person);<sub>2</sub>
- (13) 2903.21 (aggravated menacing);<sub>2</sub>
- (14) 2903.211 (menacing by stalking);<sub>2</sub>
- (15) 2903.22 (menacing);<sub>2</sub>
- (16) 2903.34 (patient abuse, gross patient abuse, and patient neglect);<sub>2</sub>

- (17) 2903.341 (patient endangerment)†,‡
- (18) 2905.01 (kidnapping)†,‡
- (19) 2905.02 (abduction)†,‡
- (20) 2905.04 (child stealing, as it existed before July 1, 1996)†,‡
- (21) 2905.05 (criminal child enticement)†,‡
- (22) 2905.11 (extortion)†,‡
- (23) 2905.12 (coercion)†,‡
- (24) 2905.32 (trafficking in persons)†,‡
- (25) 2905.33 (unlawful conduct with respect to documents)†,‡
- (26) 2907.02 (rape)†,‡
- (27) 2907.03 (sexually battery)†,‡
- (28) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor)†,‡
- (29) 2907.05 (gross sexual imposition)†,‡
- (30) 2907.06 (sexual imposition)†,‡
- (31) 2907.07 (importuning)†,‡
- (32) 2907.08 (voyeurism)†,‡
- (33) 2907.09 (public indecency)†,‡
- (34) 2907.12 (felonious sexual penetration, as it existed before July 1, 1996)†,‡
- (35) 2907.21 (compelling prostitution)†,‡
- (36) 2907.22 (promoting prostitution)†,‡
- (37) 2907.23 (~~enticement~~ enticing or ~~solicitation~~ soliciting another person to patronize a prostitute or brothel; procurement of a prostitute for another person to patronize)†,‡
- (38) 2907.24 (soliciting, engaging in solicitation after a positive HIV test)†,‡

- (39) 2907.25 (prostitution, engaging in prostitution after a positive HIV test)<sub>2</sub>.
- (40) 2907.31 (disseminating matter harmful to juveniles)<sub>2</sub>.
- (41) 2907.32 (pandering obscenity)<sub>2</sub>.
- (42) 2907.321 (pandering obscenity involving a minor or impaired person)<sub>2</sub>.
- (43) 2907.322 (pandering sexually-oriented matter involving a minor or impaired person)<sub>2</sub>.
- (44) 2907.323 (illegal use of a minor or impaired person in a nudity-oriented material or performance)<sub>2</sub>.
- (45) 2907.33 (deception to obtain matter ~~harmless~~ harmful to juveniles)<sub>2</sub>.
- (46) 2909.02 (aggravated arson)<sub>2</sub>.
- (47) 2909.03 (arson)<sub>2</sub>.
- (48) 2909.04 (disrupting public services)<sub>2</sub>.
- (49) 2909.22 (soliciting or providing support for an act of terrorism)<sub>2</sub>.
- (50) 2909.23 (making a terroristic threat)<sub>2</sub>.
- (51) 2909.24 (terrorism)<sub>2</sub>.
- (52) 2911.01 (aggravated robbery)<sub>2</sub>.
- (53) 2911.02 (robbery)<sub>2</sub>.
- (54) 2911.11 (aggravated burglary)<sub>2</sub>.
- (55) 2911.12 (burglary, trespass in a habitation when a person is present or likely to be present)<sub>2</sub>.
- (56) 2911.13 (breaking and entering)<sub>2</sub>.
- (57) 2913.02 (theft)<sub>2</sub>.
- (58) 2913.03 (unauthorized use of a vehicle)<sub>2</sub>.
- (59) 2913.04 (unauthorized use of property; unauthorized use of computer, cable, or telecommunication property; unauthorized use of the law enforcement)<sub>2</sub>.

automated database system; unauthorized use of the Ohio law enforcement gateway);

- (60) 2913.05 (telecommunications fraud);
- (61) 2913.11 (passing bad checks);
- (62) 2913.21 (misuse of credit cards);
- (63) 2913.31 (forgery, forging identification cards or selling or distributing forged identification cards);
- (64) 2913.32 (criminal simulation);
- (65) 2913.40 (medicaid fraud);
- (66) 2913.41 (defrauding a rental agency or hostelry);
- (67) 2913.42 (tampering with records);
- (68) 2913.43 (securing writings by deception);
- (69) 2913.44 (personating an officer);
- (70) 2913.441 (unlawful display of ~~law enforcement~~ the emblem of a law enforcement agency or an organization of law enforcement officers);
- (71) 2913.45 (defrauding creditors);
- (72) 2913.46 (illegal use of SNAP or WIC program benefits);
- (73) 2913.47 (insurance fraud);
- (74) 2913.48 (workers' compensation fraud);
- (75) 2913.49 (~~identify~~ identity fraud);
- (76) 2913.51 (receiving stolen property);
- (77) 2917.01 (inciting to violence);
- (78) 2917.02 (aggravated riot);
- (79) 2917.03 (riot);
- (80) 2917.31 (inducing panic);

- (81) 2919.12 (unlawful abortion);<sub>2</sub>
- (82) 2919.121 (unlawful abortion upon minor);<sub>2</sub>
- (83) 2919.123 (unlawful distribution of an abortion-inducing drug);<sub>2</sub>
- (84) 2919.124 (unlawful performance of a drug-induced abortion).
- ~~(84)~~(85) 2919.22 (endangering children);<sub>2</sub>
- ~~(85)~~(86) 2919.23 (interference with custody);<sub>2</sub>
- ~~(86)~~(87) 2919.24 (contributing to unruliness or delinquency of child);<sub>2</sub>
- ~~(87)~~(88) 2919.25 (domestic violence);<sub>2</sub>
- ~~(88)~~(89) 2921.03 (intimidation);<sub>2</sub>
- ~~(89)~~(90) 2921.11 (perjury);<sub>2</sub>
- ~~(90)~~(91) 2921.12 (tampering with evidence);<sub>2</sub>
- ~~(91)~~(92) 2921.13 (falsification, falsification in a theft offense, falsification to purchase a firearm, ~~or~~ falsification to obtain a concealed handgun license, falsification regarding a removal proceeding);<sub>2</sub>
- ~~(92)~~(93) 2921.21 (compounding a crime);<sub>2</sub>
- ~~(93)~~(94) 2921.24 (disclosure of confidential information);<sub>2</sub>
- ~~(94)~~(95) 2921.32 (obstructing justice);<sub>2</sub>
- ~~(95)~~(96) 2921.321 (assaulting or harassing a police dog, or horse, ~~or service animal~~ assaulting or harassing an assistance dog);<sub>2</sub>
- ~~(96)~~(97) 2921.34 (escape);<sub>2</sub>
- ~~(97)~~(98) 2921.35 (aiding escape or resistance to lawful authority);<sub>2</sub>
- ~~(98)~~(99) 2921.36 (illegal conveyance of weapons, drugs, intoxicating liquor, or a communications device ~~other prohibited items~~ onto the grounds of detention specified government facility or institution, illegal conveyance of cash onto the grounds of a detention facility);<sub>2</sub>

- ~~(99)~~(100) 2921.51 (impersonation of peace officer, private police officer, federal law enforcement officer, or BCII investigator);<sub>2</sub>
- ~~(100)~~(101) 2923.01 (conspiracy, ~~related to another~~ to commit a disqualifying offense);<sub>2</sub>
- ~~(101)~~(102) 2923.02 (attempt to commit ~~an offense, related to another~~ a disqualifying offense);<sub>2</sub>
- ~~(102)~~(103) 2923.03 (complicity; related to another disqualifying offense);<sub>2</sub>
- ~~(103)~~(104) 2923.12 (carrying concealed weapons);<sub>2</sub>
- ~~(104)~~(105) 2923.122 (illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone);<sub>2</sub>
- ~~(105)~~(106) 2923.123 (illegal conveyance of a deadly weapon into a courthouse illegal, possession, or control of deadly weapon or ordnance into a courthouse);<sub>2</sub>
- ~~(106)~~(107) 2923.13 (having weapons while under disability);<sub>2</sub>
- ~~(107)~~(108) 2923.161 (improperly discharging a firearm at or into a habitation, ~~or school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function~~);<sub>2</sub>
- ~~(108)~~(109) 2923.162 (discharge of firearm on or near prohibited premises);<sub>2</sub>
- ~~(109)~~(110) 2923.21 (improperly furnishing firearms to minor);<sub>2</sub>
- ~~(110)~~(111) 2923.32 (engaging in a pattern of corrupt activity);<sub>2</sub>
- ~~(111)~~(112) 2923.42 (participating in criminal gang);<sub>2</sub>
- ~~(112)~~(113) 2925.02 (corrupting another with drugs);<sub>2</sub>
- ~~(113)~~(114) 2925.03 (aggravated trafficking in drugs, trafficking in drugs, trafficking in marihuana [marijuana], trafficking in cocaine, trafficking in LSD, trafficking in heroin, trafficking in hashish, trafficking in a controlled substance analog, trafficking in a fentanyl-related compound);<sub>2</sub>
- ~~(114)~~(115) 2925.04 (illegal manufacture of drugs, ~~or illegal~~ cultivation of marijuana);<sub>2</sub>

- ~~(115)~~(116) 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs);
- ~~(116)~~(117) 2925.05 (aggravated funding of drug or marihuana [marijuana] trafficking, drug or marihuana [marijuana] trafficking);
- ~~(117)~~(118) 2925.06 (illegal administration or distribution of anabolic steroids);
- ~~(118)~~(119) 2925.09 (illegal administration, dispensing, distribution, manufacture, possession, selling, or using of any dangerous ~~veterinary~~ drug to or for livestock or any animal that is generally used for food or in the production of food, unless the drug is prescribed by a licensed veterinarian);
- ~~(119)~~(120) 2925.11 (aggravated possession of drugs, possession of drugs, possession of cocaine, possession of LSD, possession of heroin, possession of hashish, possession of a controlled substance analog, possession of marihuana [marijuana], possession of a fentanyl-related compound);
- ~~(120)~~(121) 2925.13 (permitting drug abuse);
- ~~(121)~~(122) 2925.14 (illegal use, possession, dealing, selling to a juvenile, or advertising of drug paraphernalia);
- ~~(122)~~ 2925.141 (illegal use or possession of marihuana drug paraphernalia);
- (123) 2925.22 (deception to obtain a dangerous ~~drugs~~ drug);
- (124) 2925.23 (illegal processing of drug documents);
- (125) 2925.24 (tampering with drugs);
- (126) 2925.36 (illegal dispensing of drug samples);
- (127) 2925.55 (unlawful purchase of a pseudoephedrine or ephedrine product, underage purchase of a pseudoephedrine or ephedrine product, using false information to purchase a pseudoephedrine or ephedrine product, improper purchase of a pseudoephedrine or ephedrine product);
- (128) 2925.56 (unlawfully selling a pseudoephedrine or ephedrine product; unlawfully selling a pseudoephedrine or ephedrine product to a minor; improper sale of a pseudoephedrine or ephedrine product);
- (129) 2927.12 (ethnic intimidation); ~~or~~;
- (130) 3716.11 (placing harmful objects in food or confection).

- (B) ~~Except as established in rule 173-9-07 or 173-9-07.1 of the Administrative Code, no~~ No responsible party ~~shall~~ may hire an applicant or subcontract with a self-employed provider, retain an employee or subcontracted self-employed provider, certify a self-employed provider, fail to revoke a self-employed provider's certification, enter into an agreement with a self-employed provider, or fail to terminate that agreement, if the applicant, employee, or self-employed provider was convicted of, pleaded guilty to, or has been found eligible for intervention in lieu of conviction to a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses ~~or violations~~ described in paragraph (A) of this rule, unless allowed under rule 173-9-07 of the Administrative Code.



Effective:

Five Year Review (FYR) Dates: 7/20/2023

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Certification

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Date

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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  
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