

173-9-09**Immunity from negligent hiring.**

Pursuant to division (H) of section 173.27 of the Revised Code and division (J) of section 173.394 of the Revised Code, in a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee that a responsible entity employs in a position that involves providing direct care to an individual or ombudsman services, the following shall apply:

- (A) If the responsible entity employed the applicant or employee in good faith and reasonable reliance upon the report of a criminal records check requested under Chapter 173-9 of the Administrative Code, the responsible entity shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;
- (B) If the responsible entity employed the applicant or employee in good faith on a conditional basis pursuant to rule 173-9-05 of the Administrative Code, the responsible entity shall not be found negligent solely because it employed the individual before receiving the report of a criminal records check requested under this chapter;
- (C) If the responsible entity in good faith employed the applicant or employee according to the rule 173-9-07 of the Administrative Code, the responsible entity shall not be negligent solely because the applicant or employee, before being employed, had been convicted of, pleaded guilty to, or had been found eligible for intervention in lieu of conviction for a disqualifying offense listed or described in rule 173-9-06 of the Administrative Code.

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Certification

12/21/2012

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.27, 173.391, 173.392, 173.394;
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 (10/01/2011
edition)
Rule Amplifies: 173.27, 173.394; 42 C.F.R. 460.68(a), 460.71(a)(1),
and 460.71(a)(2) (10/01/2011 edition)
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