

173-9-10

**Background checks for paid direct-care positions: consequences for failure to comply with this chapter.**

- (A) If an area agency on aging (AAA) fails to comply with this chapter, ODA may take whatever action against the AAA is appropriate under rule 173-2-07 of the Administrative Code.
- (B) If a PASSPORT administrative agency (PAA) fails to comply with this chapter, ODA or the Ohio department of medicaid (ODM) may take whatever action against the PAA is appropriate under the terms of the three-party agreement entered into between ODA, ODM, and the PAA under sections 173.52 and 173.54 of the Revised Code.
- (C) If a PACE organization fails to comply with this chapter, ODA or the centers for medicare and medicaid services (CMS) may take whatever action against the PACE organization is appropriate under the terms of the PACE organization agreement entered into by ODA, CMS, and the PACE organization under 42 C.F.R. Part 460, Subpart D.
- (D) If a provider fails to comply with this chapter, ODA (or its designees) may take whatever action against the provider is appropriate under one or more of the following:
- (1) Section 173.391 of the Revised Code and rule 173-39-05 of the Administrative Code when the provider is providing ~~goods or~~ services to individuals through a program requiring ~~ODA-certification~~ ODA-certified providers.
  - (2) The AAA-provider agreement entered into between the provider and the AAA when the provider is providing ~~goods or~~ services to consumers through a program not requiring ODA-certified providers.

Effective: 5/1/2019  
Five Year Review (FYR) Dates: 1/31/2019 and 05/01/2024

CERTIFIED ELECTRONICALLY

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Certification

04/08/2019

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.392; 42 U.S.C. 3025(a)(1)(C); 45 C.F.R. 1321.11,  
173.391, 173.381, 173.38, 173.02, 173.01  
Rule Amplifies: 173.38, 460.194, 460.71(b), 173.381; 45 C.F.R.  
460.68(a)  
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