

4729:5-11-02**Criminal records checks for pain management clinics.**

- (A) As used in this rule, "physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.
- (B) All criminal records checks conducted in accordance with this rule shall consist of both an Ohio bureau of criminal identification and investigation (BCI&I) records check and a federal bureau of investigations (FBI) records check.
- (C) Pursuant to section 4729.552 of the Revised Code, a terminal distributor of dangerous drug license with a pain management clinic classification will not be issued until the physician owner(s) or, if incorporated, the physician officers of the pain management clinic submit fingerprints to BCI&I for a criminal records check. The results of the criminal records check must be sent directly to the state board of pharmacy from BCI&I. To be considered valid, the criminal records check must have been performed within the past twelve months.
- (D) If there is a change in any of the persons listed in paragraph (C) of this rule, only the new persons shall submit to a criminal records check as part of the change of ownership requirements pursuant to rule 4729:5-2-03 of the Administrative Code.
- (E) Physician owner(s) or physician officers are required to have all employees submit to a BCI&I and FBI criminal records check to ensure that no person has been previously convicted of, or pleaded guilty to, a theft offense that would constitute a felony as described in division (K)(3) of section 2913.01 of the Revised Code or a felony drug abuse offense as defined in section 2925.01 of the Revised Code.
- (1) BCI&I shall send the results of the BCI&I criminal records check directly to the employer or potential employer. BCI&I shall provide a letter regarding the FBI criminal records check to the employer or potential employer stating that there is either no record of any conviction or a letter stating that the request may not meet the criteria.
  - (2) When an employer or potential employer receives a letter stating that the request may not meet the criteria, they may share this information with the employee or potential employee.
  - (3) In order to complete the criminal records check, the employee or potential employee must then complete a "Request for Release-FBI Rapsheet" and send it to BCI&I to request a copy of the FBI criminal records check results be sent directly to the employee or potential employee. The employee or potential employee must provide the results to the employer or potential employer in the original sealed envelope received from BCI&I.

- (4) The criminal records check shall be based on electronic fingerprint impressions that are submitted directly to BCI&I from a WebCheck provider agency located in Ohio. The employer may accept the results of a criminal records check based on ink impressions from a WebCheck provider agency only in the event that readable electronic fingerprint impressions cannot be obtained.

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CERTIFIED ELECTRONICALLY

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Certification

12/06/2019

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Date

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