

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** October 27, 2009  
**TIME:** 1:30 P.M.  
**LOCATION:** Riffe Center, 77 South High Street, Room 1932,  
Columbus, Ohio 43215

Pursuant to sections 5111.02 and 5111.85 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

5101:3-45-07, entitled ODJFS-administered waiver program: Criminal records checks involving agency providers, is being proposed for amendment. The changes include updating and clarifying language regarding the process and requirements for the criminal records checks of existing agency providers, and persons under final consideration for employment with agencies to provide home and community-based services to consumers enrolled in an Ohio Department of Job and Family Services-administered waiver. Most changes are the result of statutory changes brought about by the enactment of amended Substitute House Bill 1 of the 128<sup>th</sup> General Assembly

5101:3-45-08, entitled ODJFS- administered waiver program: Criminal records checks involving non-agency providers, is being proposed for amendment. This rule is being proposed to update and clarify language regarding the process and requirements for the criminal records checks of current and prospective non-agency providers of home and community-based services to consumers enrolled on an Ohio department of job and family services administered waiver. Most changes are the result of statutory changes brought about by the enactment of amended Substitute House Bill 1 of the 128th General Assembly.

Several offenses have been added to the list of disqualifying offenses. Language has been added to clarify that the application of a conviction, guilty plea or intervention will be applied retroactively. Language has been added to clarify that a disqualifying offense includes a violation of an existing or former municipal ordinance or law of the State of Ohio, any other state of the United States that is substantially equivalent to any other disqualifying offense set forth in this rule.

Language has been added to clarify that when two or more convictions or guilty pleas result from or are connected with the same act or result from offenses committed at the same time, they are counted as one conviction or guilty plea. Language has been added to clarify that if a non-agency provider fails to submit a criminal records check within sixty days of notification, ODJFS or its designee shall immediately take steps to remove the non-agency provider from all services plans until such time as the non-agency provider has satisfactorily completed all requirements of the rule.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).