



**John Kasich**, Governor  
**Bonnie K. Burman**, Sc.D., Director

## MEMORANDUM OF RESPONSE

To: Mark Hamlin, Director of Regulatory Policy, CSI Office and Lt. Gov. Office  
Sydney King, Regulatory Policy Advocate, CSI Office

From: Tom Simmons, Policy Manager

Re: **CRIMINAL RECORDS CHECKS**

Date: December 20, 2013, Revised on March 10, 2014

---

Thank you for reviewing ODA's proposals for Chapter 173-9 of the Administrative Code.

Because your office made no recommendations regarding the rules, ODA did not make any subsequent changes to the rules other than to (1) correct typographical errors in the rules and BIA and (2) replace the occurrences of "begin...criminal records check" in rules 173-9-04 and 173-9-04.1 of the Administrative Code with "conduct...criminal records check" for consistent terminology.

Now, ODA will file the rule proposals with JCARR—most likely on January 7, 2014.

---

On March 10, 2014, ODA refiled proposed new rule 173-9-10 of the Administrative Code. ODA did not want the rule to appear to create a new, "blanket" means to issue disciplinary actions against non-compliant responsible parties. Instead, ODA wants the rules and provider agreements that already establish possible disciplinary actions to apply to each responsible party. Therefore, ODA refiled rule 173-9-10 of the Administrative Code to itemize the rule(s) or provider agreement that would establish the possible disciplinary actions.

ODA's refile of the rule should not create an adverse impact upon providers or change ODA's business impact analysis. If anything, the elimination of a "blanket" statement that ODA or its designees could issue disciplinary actions prevents overzealous discipline of Ohio businesses.