

TO BE RESCINDED

5123:2-5-07

Investigative agent certification standards.

(A) Purpose

The purpose of this rule is to establish minimum qualifications through certification standards for staff working in investigative agent positions at county boards of mental retardation and developmental disabilities or their contract agencies.

(B) Application

These standards shall apply to employees of county boards of mental retardation and developmental disabilities in investigative agent positions and employees of agencies contracting with a county board to provide investigative agent services.

(C) Definitions

- (1) "Applicant" means a person submitting a completed application to the department for certification.
- (2) "College or university" means an accredited institution of higher education authorized by the Ohio board of regents to grant degrees, or comparable out-of-state institutions.
- (3) "Continuing professional development" means department-approved clock hours of training by approved providers used by applicants to renew provisional grade and professional grade certification.
- (4) "County board" means a county board of mental retardation and developmental disabilities as established under Chapter 5126. of the Revised Code or a regional council of government formed under section 5126.13 of the Revised Code by two or more county boards.
- (5) "Department" means the Ohio department of mental retardation and developmental disabilities as established by section 121.02 of the Revised Code.
- (6) "Director" means the administrative head of the department as established by section 121.03 of the Revised Code.
- (7) "Grades" mean the designations within the investigative agent certification to differentiate the effective dates and minimum requirements of the

certifications (i.e., one-year temporary, five-year provisional, and ten-year professional).

- (8) "Investigative agent" means an individual who conducts investigations under section 5126.313 of the Revised Code and who, when employed by a county board, is designated as a management employee.
- (9) "Orientation program" means that within ninety days of initial employment by a county board or by an agency contracting with a county board, an applicant shall successfully complete thirty hours of training which shall include, but is not limited to, the following: overview of mental retardation and developmental disabilities; board operations and table of organization; county board rules; medicaid accountability; rights of individuals with mental retardation and developmental disabilities; confidentiality; techniques and philosophy of intervention/training; services and service delivery settings; multi-agency resources; team processes; communication; role of investigative agents; investigative agent certification standards; rule 5123:2-17-02 of the Administrative Code; rule 5123:2-17-03 of the Administrative Code; and an opportunity to work along side of an experienced investigator.
- (10) "Seminar" means department-approved instruction by an approved provider. The department shall not require the instruction to exceed thirty hours.
- (11) "Superintendent" means a person certified by the department according to rule 5123:2-5-03 of the Administrative Code and employed in that capacity by a county board.

(D) Description

Temporary, provisional, and professional grades are designated within the investigative agent validation.

(1) Temporary grade

- (a) The temporary grade certification shall be issued for a one-year period to an applicant hired by a county board or by an agency contracting with a county board, into the position of investigative agent, who meets the following requirement:
 - (i) The applicant shall hold an associate's degree from a college or university in education, health services, human services, law enforcement, social or behavioral science, or a related field; or

- (ii) The applicant shall hold an associate's degree from a college or university or have at least junior year standing at a college or university, and shall have successfully completed two years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or
 - (iii) The applicant shall have successfully completed Ohio peace officer basic training or a comparable program, and shall have successfully completed two years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or
 - (iv) The applicant shall have successfully completed four years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or
 - (v) The applicant shall hold, upon the effective date of this rule, currently valid temporary grade case management certification at the professional level, the management 2 level, or the management 3 level.
- (b) The temporary grade certification shall be renewed one time under the following conditions:
- (i) During the effective period of the initial temporary grade certification, the applicant shall successfully complete an orientation program (as verified by the superintendent of the employing county board) and one seminar in civil and criminal investigatory practices.
 - (ii) During the effective period of the second temporary grade certification, the applicant shall successfully complete one seminar in introduction to mental retardation and developmental disabilities.
- (c) No additional temporary grade certifications for the investigative agent will be issued to the applicant.

(2) Provisional grade

- (a) The provisional grade certification shall be issued for a five-year period to

an applicant who meets the following requirements:

(i) The applicant shall:

(a) Hold an associate's degree from a college or university in education, health services, human services, law enforcement, social or behavioral science, or a related field; or

(b) Hold an associate's degree from a college or university or have at least junior year standing at a college or university, and have successfully completed two years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(c) Have successfully completed Ohio peace officer basic training or a comparable program, and have successfully completed two years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(d) Have successfully completed four years full-time, supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(e) Hold, upon the effective date of this rule, currently valid temporary grade case management certification at the professional level, the management 2 level, or the management 3 level.

(ii) The applicant shall have successfully completed one seminar in civil and criminal investigatory practices.

(iii) The applicant shall have successfully completed one seminar in introduction to mental retardation and developmental disabilities.

(b) The provisional grade certification shall be renewed on the expiration date under the following conditions:

(i) The applicant shall have completed fifty hours of continuing professional development, of which at least ten hours shall be related to conducting administrative, civil, and/or criminal

investigations.

- (ii) An applicant requesting renewal of the provisional grade certification, who, at the time of application, is employed by a county board or by an agency contracting with a county board, shall have successfully completed an orientation program (as verified by the superintendent of the employing county board).

(3) Professional grade

- (a) The professional grade certification shall be issued for a ten-year period to an applicant who elects to upgrade the provisional grade certification by meeting the following requirements:

- (i) The applicant shall meet both the initial and renewal requirements for provisional grade certification.

- (ii) The applicant shall hold a bachelor's degree from a college or university.

- (iii) The applicant shall have worked five years in a position requiring the provisional grade investigative agent certification.

- (b) The professional grade certification shall be renewed on the expiration date with the completion of one hundred hours of continuing professional development of which at least twenty hours shall be related to conducting administrative, civil, and/or criminal investigations.

(E) Deemed eligibility for individuals holding provisional grade and professional grade case management certification

Individuals who hold, upon the effective date of this rule, currently valid provisional grade or professional grade case management certification at the professional level, the management 2 level, or the management 3 level, will be deemed eligible for provisional grade investigative agent certification, provided they apply for investigative agent certification within one year of the effective date of this rule.

- (1) The expiration date of certifications issued under this provision shall be no less than five years from the effective date of this rule.

- (2) Individuals who receive certifications issued under this provision and who have

not completed training in civil and criminal investigatory practices, shall be required to complete one seminar in civil and criminal investigatory practices within one year of receiving the investigative agent certification. The hours spent attending the seminar in civil and criminal investigatory practices may count as continuing professional development hours for the purpose of renewing the initial investigative agent certification.

(F) Renewal of expired provisional grade or professional grade certification

- (1) Expired certifications may be renewed upon completion of all renewal requirements, if the certification has lapsed for less than one year.
- (2) Certifications expired for one or more years may be renewed upon completion of all renewal requirements of the expired certification, completion of fifteen additional hours of continuing professional development, and payment of the fees required by rule 5123:2-5-06 of the Administrative Code.

(G) Reciprocity

All applicants for certification from a state other than Ohio shall meet or exceed the requirements under this rule.

(H) Right of appeal

An applicant whose application for certification is disapproved based upon the applicant's failure to meet the requirements of this rule, may request in writing, within thirty days of the rejection, an administrative review by the director or the director's designee.

(I) Denial, suspension, or revocation

This rule is subject to the requirements of rule 5123:2-5-04 of the Administrative Code entitled "Denial, Suspension, and Revocation of Certificates and Evidence of Registration."

Effective:

R.C. 119.032 review dates: 12/23/2011

Certification

Date

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