

3701-60-03 State and national database check.

- (A) Except as provided for in paragraph (H) of rule 3701-60-04 of the Administrative Code, and prior to conducting a criminal records check, the chief administrator or his designee of a home health agency shall conduct, with respect to each applicant for a position involving the provision of direct care and each employee who provides direct care, a check of the following databases:
- (1) The "System for Award Management" maintained by the United States general services administration, available at <http://www.sam.gov/>;
 - (2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services, available at <http://exclusions.oig.hhs.gov/>;
 - (3) The registry of employees guilty of abuse, neglect, or misappropriation maintained by the Ohio department of developmental disabilities, available at https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx;
 - (4) The sex offender and child-victim database maintained by the Ohio attorney general, available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>;
 - (5) The database of inmates maintained by the Ohio department of rehabilitation and correction, available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>; and
 - (6) The Ohio nurse aide registry, maintained by the Ohio department of health, available at https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx. If an applicant does not present proof of having been a resident of this state for the five year period immediately prior to the date of the database review, the chief administrator of a home health agency or his designee shall conduct a database review of the nurse aide registry in the state or states in which the applicant has lived.
- (B) Except as provided for in rule 3701-60-07 of the Administrative Code, no home health agency shall employ a person in a position involving the provision of direct care if a review of the databases listed in paragraphs (A)(1) to (A)(5) of this rule discloses disqualifying information regarding the applicant or employee or if a review of the database listed in paragraph (A)(6) of this rule discloses a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident.
- (C) If the review of the free databases listed in paragraph (A) of this rule discloses disqualifying information about an applicant or employee, the home health agency shall inform the applicant or employee of the disqualifying information.
- (D) The chief administrator of a home health agency shall conduct a check of the databases listed in paragraph (A) of this rule prior to requesting an update to the background check required in paragraph (B) of rule 3701-60-04 of the Administrative Code.

- (E) The home health agency is not required to review the free databases listed under paragraph (A) of this rule if the applicant or employee was referred to the home health agency by an employment service that refers applicants to employers to fill full-time, part-time, or temporary positions involving direct care if the employment service provides the home health agency with the letter required by paragraph (A)(4) of rule 3701-60-05 of the Administrative Code.

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Certification

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