

3701-60-08 Records and reports.

- (A) Criminal record check disclosure. The report of the criminal records check conducted pursuant to a request made under this chapter is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:
- (1) The applicant or employee who is the subject of the criminal records check or the applicant or employee's representative;
 - (2) The chief administrator of the home health agency requesting the criminal records check or the administrator's representative;
 - (3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;
 - (4) The employment service that requested the check;
 - (5) The director of health or the director's designee;
 - (6) The director of aging or the director's designee if either of the following apply:
 - (a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care agency; or
 - (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care agency;
 - (7) The director of job and family services and the staff of the department of job and family services who are involved in the administration of the medicaid program if either of the following apply:
 - (a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;
 - (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency;
 - (8) Any court, hearing officer or other necessary individual involved in a case dealing any of the following:
 - (a) A denial of employment of the applicant or dealing with employment employee;
 - (b) Employment or unemployment benefits of the applicant or employee;
 - (c) A civil or criminal action regarding the medicaid program.

- (B) Personnel record. The home health agency shall maintain, in a confidential manner either sealed within, or separate from, but a part of the personnel record:
- (1) The criminal records report;
 - (2) Any disqualifying information discovered during the state and national database check required by rule 3701-60-03 of the Administrative Code; and
 - (3) The written attestation for an employee the home health agency continues to employ pursuant to paragraph (C) of rule 3701-60-06 of the Administrative Code.
- (C) Documentation of compliance. The home health agency shall maintain a roster of applicants and employees, accessible by the director, which includes, but is not limited to:
- (1) The name of each applicant or employee;
 - (2) The date the criminal records check request is submitted to the bureau of criminal identification and investigation;
 - (3) The date the criminal records check request is received from the bureau of criminal identification and investigation;
 - (4) A determination of whether the results of the check revealed that the applicant or employee committed a disqualifying offense(s); and
 - (5) The date the employee starts work.
- (D) Attestation. The home health agency shall, upon request, provide to the director written confirmation of compliance with the provisions of this chapter in a format that is specified by the director and is consistent with state law.

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Certification

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