

3701-60-09 Liability; compliance action.

- (A) In a tort or other civil action for damages that is brought as the result of an injury, death or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, the following shall apply:
- (1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this chapter, the home health agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;
 - (2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to rule 3701-60-05 of the Administrative Code, the home health agency shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this chapter;
 - (3) If the home health agency in good faith employed the applicant or employee according to the personal character standards adopted under rule 3701-60-07 of the Administrative Code, the home health agency shall not be negligent solely because the applicant or employee, prior to being employed, had been convicted of, pleaded guilty to a disqualifying offense listed or described in rule 3701-60-06 of the Administrative Code.
- (B) As authorized by the applicable state laws and rules governing the specific home health agency, the department may take appropriate action against a home health agency that violates the requirements of Chapter 3701-60 of the Administrative Code and the authorizing sections of the Revised Code applicable to the specific home health agency.

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