

**ELDERLY SERVICES PROGRAM  
FREE DATABASE REVIEWS AND BCII CRIMINAL RECORDS CHECK**

The Provider shall conduct free database reviews and BCII criminal records check of all volunteers, applicants and existing employees providing direct care to ESP clients. Direct care is defined as any in-person contact with one or more clients who receive an ESP service or any access to an ESP client's personal property or personal records.

**1.0 FREE DATABASE REVIEWS:** The Provider shall review the free databases and follow all guidelines in [Rule 173-9-03 - Ohio Administrative Code | Ohio Laws](#) before conducting the criminal records checks required under 2.0.

- a. Free database reviews are required for volunteers and applicants according to the schedule outlined under paragraph 2.0 of this condition.
- b. A Medical Recovery and Extended Care Service exception: A Provider is exempt from databases 1-6 of this rule if they are certified as an Assisted Living Facility.

**2.0 BCII CRIMINAL RECORDS CHECK:** Criminal records check is required per chart:

| DATABASE AND CRIMINAL RECORDS CHECKS REQUIRED: |                                        |                                            |                                             |
|------------------------------------------------|----------------------------------------|--------------------------------------------|---------------------------------------------|
| Direct Care Position with ESP Clients          | Applicants For Employment & Volunteers | Current Employees<br><i>5 Year Recheck</i> | Current Volunteers<br><i>5 Year Recheck</i> |
| Only delivers home-delivered meals             | Yes                                    | No                                         | No                                          |
| Only has access to client personal records     | Yes                                    | No                                         | No                                          |
| Rural and County Transportation positions      | Yes                                    | No                                         | No                                          |
| Medical Recovery and Extended Stay             | Yes                                    | No                                         | No                                          |
| All other direct care                          | Yes                                    | Yes                                        | No                                          |

Note: If the Provider conducts criminal records checks on an employee more frequently than every five years, the Provider is not responsible for conducting criminal records checks according to the five-year anniversaries of the employee's date of hire. If a responsible party complies with the requirements for rapback, the responsible party is conducting criminal records checks on a daily basis, which is a less-than-five year schedule.

**2.1** The BCII reason codes must ensure sealed records are included in the criminal records check:

| Provider Type              | BCI Reason Code                                                                               | FBI Reason Code |
|----------------------------|-----------------------------------------------------------------------------------------------|-----------------|
| Assisted Living Providers  | 3721.121                                                                                      | 3721.121        |
| All other agency Providers | <b>Preferred Code:</b> 173.38<br>Other acceptable codes: 173.27, 5123.081, 5123.169, 3701.881 | 173.41          |

- 2.2** Reverification: If any person has requested a criminal records check of a volunteer, applicant, or employee in the past year, a provider may request a reverification of the criminal record from BCII. The reverification of a criminal records check has the same validity as a criminal records check.
- 2.3** FBI: If a volunteer, applicant, or employee does not furnish the Provider with evidence that he or she has been a resident of Ohio for the five-year period immediately preceding the date the Provider requests the criminal records check, or if the applicant does not provide the Provider with evidence that BCII has requested his or her criminal records from the FBI within that five-year period, the Provider shall request that BCII obtain information from the FBI as part of the criminal records check. Even if an applicant does furnish the Provider with evidence that he or she has been a resident of Ohio for the five-year period, the provider may request that BCII obtain information from the FBI as part of the criminal records check.
- 2.4** Conditional employment: The Provider shall only utilize a volunteer or hire an applicant before obtaining a criminal records check report if:
- The Provider reviewed the free databases, and the free database reviews do not disqualify the volunteer or applicant;
  - The Provider utilizes the volunteer or hires the applicant on a conditional basis;
  - The Provider initiates the process of obtaining a criminal records check no later than five business days after the volunteer or applicant begins conditional employment
- 2.5** Removal of conditionally hired volunteers and applicants:
- The Provider shall remove the volunteer or applicant from providing direct care to any ESP client if the provider does not receive a criminal records check report from BCII within the period ending sixty days after the provider requested it from BCII.
- 2.6** Disqualifying Offenses and exclusionary periods: [Rule 173-9-07 - Ohio Administrative Code | Ohio Laws](#) contains lists of disqualifying offenses and required exclusionary periods. The Provider must refer this link to determine if the Provider may utilize a volunteer, employ or continue to employ an employee in a position involving providing direct care if that volunteer, applicant, or employee was convicted of or plead guilty to an offense listed.
- 3.0 Confidentiality and retention of records:** as requires in [Rule 173-9-08 - Ohio Administrative Code | Ohio Laws](#). The Provider shall not make a report available to any person other than:
- Appropriate staff within the Provider's agency;
  - The volunteer, applicant, or employee who is the subject of the criminal check;
  - The staff of the Council on Aging and/or their designee.
- 4.0 Records:** The Provider, upon request, must make available to COA staff and or designee any records relating to free database reviews and BCII criminal records checks, including but not limited to personnel files and the roster.