

Ohio Revised Code Disqualifying Offenses (3701-13-05)

(A) Except as provided in rule [3701-13-06](#) of the Administrative Code no DCP [Direct Care Provider] shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to:

(1) A violation of any of the following sections of the Revised Code:

- (a) 2903.01 Aggravated murder
- (b) 2903.02 Murder
- (c) 2903.03 Voluntary manslaughter
- (d) 2903.04 Involuntary manslaughter
- (e) 2903.11 Felonious assault
- (f) 2903.12 Aggravated assault
- (g) 2903.13 Assault
- (h) 2903.16 Failing to provide for a functionally impaired person
- (i) 2903.21 Aggravated menacing
- (j) 2903.34 Patient abuse or neglect
- (k) 2905.01 Kidnapping
- (l) 2905.02 Abduction
- (m) 2905.11 Extortion
- (n) 2905.12 Coercion
- (o) 2907.02 Rape
- (p) 2907.03 Sexual battery
- (q) 2907.05 Gross sexual imposition
- (r) 2907.06 Sexual imposition
- (s) 2907.07 Importuning
- (t) 2907.08 Voyeurism
- (u) 2907.09 Public indecency
- (v) Former 2907.12 Felonious sexual penetration
- (w) 2907.25 Prostitution; after positive HIV test
- (x) 2907.31 Disseminating matter harmful to juveniles
- (y) 2907.32 Pandering obscenity
- (z) 2907.321 Pandering obscenity involving a minor
- (aa) 2907.322 Pandering sexually oriented matter involving a minor
- (bb) 2907.323 Illegal use of a minor in nudity-oriented material or performance
- (cc) 2911.01 Aggravated robbery
- (dd) 2911.02 Robbery
- (ee) 2911.11 Aggravated burglary
- (ff) 2911.12 Burglary
- (gg) 2911.13 Breaking and entering
- (hh) 2913.02 Theft
- (ii) 2913.03 Unauthorized use of a vehicle
- (jj) 2913.04 Unauthorized use of property; computer, cable, or telecommunication property
- (kk) 2913.11 Passing bad checks
- (ll) 2913.21 Misuse of credit cards
- (mm) 2913.31 Forgery; identification card offenses
- (nn) 2913.40 Medicaid fraud
- (oo) 2913.43 Securing writings by deception
- (pp) 2913.47 Insurance fraud
- (qq) 2913.51 Receiving stolen property
- (rr) 2919.25 Domestic violence
- (ss) 2921.36 Illegal conveyance of weapons or prohibited items onto grounds of detention facility or institution
- (tt) 2923.12 Carrying concealed weapons
- (uu) 2923.13 Having weapons while under disability
- (vv) 2923.161 Improperly discharging firearm at or into habitation or school safety zone
- (ww) 2925.02 Corrupting another with drugs
- (xx) 2925.03 Trafficking in drugs

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EFFECTIVE: January 1, 2013

(yy) 2925.11	Possession of drugs
(zz) 2925.13	Permitting drug abuse
(aaa) 2925.22	Deception to obtain a dangerous drug
(bbb) 2925.23	Illegal processing of drug documents
(ccc) 3716.11	Placing harmful objects in food or confection

(2) A violation of an existing or former law of this state, any other state or the United States that is substantially equivalent to any of the offenses or violations listed in paragraph (A)(1) of this rule.

(B) Pardons. A conviction of or a plea of guilty to an offense listed or described in paragraph (A) of this rule shall not prevent an applicant's employment under any of the following circumstances:

- (1) The applicant has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code;
- (2) The applicant has been granted an unconditional pardon for the offense pursuant to an existing or former law of the this state, any other state, or the United States, if the law is substantially equivalent to Chapter 2967. of the Revised Code;
- (3) The conviction or guilty plea has been set aside pursuant to law; or
- (4) The applicant has been granted a conditional pardon for the offense pursuant to Chapter 2967. of the Revised Code, and the conditions under which the pardon was granted have been satisfied.

***Clinical sites may also refuse individuals with the following background check results:**

- (a) Contributing to the delinquency of a minor
- (b) No matching identifiers on the SS# trace
- (c) Records with pending disposition or outstanding warrant
- (d) Three or more misdemeanor convictions
- (e) Two or more DUI/DWI convictions
- (f) Two or more misdemeanor marijuana convictions
- (g) All convictions involving: violence, weapons, controlled substance, sexual activity, theft, dishonesty or burglary
- (h) Failure to appear in court
- (i) All felony convictions for the following crimes:
 - a. Terrorist Threats
 - b. Sex Related
 - c. Forgery
 - d. Conspiracy to commit arson
 - e. Arson
 - f. Welfare fraud
 - g. Falsification to Law Enforcement
 - h. Illegal manufacture, sale, distribution or trafficking in controlled substances
 - i. Aiding a prisoners escape
 - j. Possession of concealed firearm
 - k. Conspiracy to commit any of the above

***Not all-inclusive.**