

**Personal character standards.**

- (A) A DCP may employ an applicant who has been convicted of or pleaded guilty to an offense listed in paragraph (A) of rule 3701-13-05 of the Administrative Code in a position involving direct care to an older adult, if all of the following standards are met:
- (1) The applicant is not a repeat theft related offender as defined in paragraph (M) of rule 3701-13-01 of the Administrative Code;
  - (2) The applicant is not a repeat violent offender as defined in paragraph (N) of rule 3701-13-01 of the Administrative Code;
  - (3) The offense is not a sexually oriented offense as defined in paragraph (O) of rule 3701-13-01 of the Administrative Code;
  - (4) The offense is not a violation of any of the following sections of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States, if the offense is substantially equivalent to the offenses or violations described in the following sections of the Revised Code: 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.34 (patient abuse or neglect), or 3716.11 (placing harmful objects in food or confection);
  - (5) If the offense is an offense of violence as defined in paragraph (J) of rule 3701-13-01 of the Administrative Code, other than one listed in paragraph (A)(4) of this rule; and
    - (a) The victim of the offense was not an older adult; and
    - (b) At least five years have elapsed since the applicant was fully discharged from imprisonment, probation and parole; or
  - (6) If the offense is not an offense of violence as defined in paragraph (J) of rule 3701-13-01 of the Administrative Code or an offense listed in paragraph (A)(4) of this rule; and
    - (a) The applicant is either discharged from imprisonment, sentenced to probation, is fined or is on parole; and
    - (b) The applicant provides proof that all conditions regarding fulfillment of sentencing requirements are being met.
  - (7) The applicant's character is such that it is unlikely that the applicant will harm an older adult. In making that determination, the chief administrator shall consider the following factors for each offense:
    - (a) The applicant's age at the time of the offense;
    - (b) Regardless of whether the applicant knew the victim prior to the committing of the offense, the age and mental capacity of the victim;

- (c) The nature and seriousness of the offense;
- (d) The number of previous offenses or length of time since the most recent conviction or guilty plea;
- (e) The degree to which the applicant participated in the offense and the degree to which the victim contributed to or provoked the offense;
- (f) The likelihood that the circumstances leading to the offense will reoccur;
- (g) The applicant's employment record;
- (h) The applicant's efforts at rehabilitation and the results of those efforts;
- (i) If known, whether the applicant has been convicted of or pleaded guilty to any violation of an existing or former municipal ordinance substantially equivalent to any offense listed or described in rule 3701-13-05 of the Administrative Code;
- (j) Whether any criminal proceedings are pending; and
- (k) Any other factors related to the position that the chief administrator considers relevant to the performance of job duties.

(B) If the applicant fails to provide proof that the personal character standards listed in this rule are met, or if the DCP determines that the proof offered by the applicant is inconclusive, the applicant shall not be employed in a position that involves providing direct care to older adults.

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CERTIFIED ELECTRONICALLY

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Certification

09/10/2012

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Date

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