3701-13-08 **Liability.**

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 individual who a DCP employs in a position that involves providing direct care to older adults, the following shall apply:

(A) If the DCP employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this chapter, the DCP 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;

(B) If the DCP employed the individual in good faith on a conditional basis pursuant to rule 3701-13-04 of the Administrative Code, the DCP 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;

(C) If the DCP in good faith employed the individual according to the personal character standards adopted under rule 3701-13-06 of the Administrative Code, the DCP shall not be negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in rule 3701-13-05 of the Administrative Code.

R.C. 119.032 review dates: 09/10/2012 and 09/01/2017

CERTIFIED ELECTRONICALLY

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Certification

09/10/2012_____
Date

Promulgated Under:	119.03
Statutory Authority:	3701.34, 3712.09
Rule Amplifies:	3712.09, 3721.121
Prior Effective Dates:	9/5/1997