



Ohio Administrative Code

Rule 5122-31-24 Background assessment.

Effective: August 10, 2026

(A) The purpose of this rule is to establish procedure for conducting background assessments for owners, operators, prospective operators, managers, staff, volunteers, students, interns and other individuals employed by or seeking employment by a recovery housing residence.

(B) Definitions

- (1) "Applicant" means a person who is under final consideration for employment with a recovery housing residence.
- (2) "Department" means the department of behavioral health.
- (3) "Disqualifying offense" means any of the offenses listed in paragraph (D) of this rule.
- (4) "Employee" means a person employed by a recovery housing residence, a contract staff member, or a person working as a volunteer, student, or intern, regardless of whether the person is compensated. A contract staff member does not include an individual or company with whom the provider contracts to perform occasional maintenance such as lawn care, snow removal, painting, etc.
- (5) "Individual" means a resident of a recovery housing residence.
- (6) "Multiple disqualifying offenses" means two or more convictions or guilty pleas to disqualifying offenses. Convictions or guilty pleas resulting from or connected with the same act, or resulting from offenses committed at the same time, are counted as one conviction or guilty plea.

(C) Mandates for recovery housing residences

- (1) All standards in this rule apply to applicants, owners, operators, managers, employees, and non-resident occupants. The recovery housing residence will maintain a file for each owner, operator, manager, and non-resident occupant containing the printed results of all standards of this rule in the same manner as is specified in this rule for employees as defined in paragraph (B) of this rule.
- (2) A recovery housing residence will:
 - (a) Require an applicant to complete an employment application and provide the names and addresses of present and former employers; and



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- (b) Attempt to obtain references from the applicant's present and former employers and maintain written evidence that reference checks were attempted and/or completed.
- (3) A recovery housing residence will check each of the following databases to determine if the applicant is included:

 - (a) The list of excluded persons and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the Social Security Act, 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, and section 1156 of the Social Security Act, 96 Stat. 388 (1982), 42 U.S.C. 1320c-5 (available at <https://exclusions.oig.hhs.gov/>);
 - (b) The abuser registry established pursuant to section 5123.52 of the Revised Code;
 - (c) The nurse aide registry established pursuant to section 3721.32 of the Revised Code and whether there exists a statement detailing a finding by the director of health that the applicant or employee neglected or abused a resident of a long-term care facility or residential care facility or misappropriated property of such a resident;
 - (d) The United States department of justice national public website (available at <https://nsopw.gov/>);
 - (e) The United States general services administration system for award management database (available at <https://www.sam.gov/>); and
 - (f) The database of incarcerated and supervised offenders established pursuant to section 5120.066 of the Revised Code (available at <https://appgateway.drc.ohio.gov/OffenderSearch>). The recovery housing residence will print the results of these database checks maintain them in each employee's personnel file.
- (4) A recovery housing residence allowing minor household members will conduct or request from the department of job and family services an alleged perpetrator of abuse and neglect report from the Ohio statewide automated child welfare information system (SACWIS). The process can be found at: <http://jfs.ohio.gov/ocf/childprotectiveservices.stm>. If the applicant cannot provide proof that they have lived in Ohio for the past five years, the recovery housing residence will also request a check of the child abuse and neglect registry for any other state in which the applicant lived during that five year period before applying



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for employment. The process can be found at: <http://centerforchildwelfare.fmhi.usf.edu/ChildProtective/AdamWalsh.pdf>. The recovery housing residence will maintain the results of these checks in each employee's personnel file.

- (5) A recovery housing residence will not hire an applicant, nor continue to employ an existing employee, if the individual is listed in any of the databases identified in paragraph (C)(3) of this rule or if the alleged-perpetrator results required under paragraph (C)(4) show a substantiated finding of abuse or neglect.
- (6) A recovery housing residence will verify that an applicant has a valid motor vehicle operator's license and obtain a driving record prepared by the bureau of motor vehicles if the duties of the position for which the applicant has applied require the applicant to transport individuals or to operate the responsible entity's vehicles for any other purpose. A person having six or more points on his or her driving record is prohibited from transporting individuals.
- (7) Prior to employing an applicant, a recovery housing residence will require an applicant to do both of the following:
 - (a) Submit a statement to the recovery housing residence owner or operator with the applicant's signature attesting that he or she has not been convicted of or pleaded guilty to a disqualifying offense. An applicant or employee will disclose to the recovery housing residence owner or operator a conviction for any offense that has been sealed; and
 - (b) Sign an agreement under which the applicant agrees to notify the recovery housing residence owner or operator within fourteen calendar days if, while employed by the recovery housing residence, the applicant is formally charged with, is convicted of, or pleads guilty to a disqualifying offense. The agreement will provide that failure to make the notification will result in termination of the applicant's employment.
- (8) A recovery housing residence will, at a frequency of no less than once every four years, check the databases specified in paragraph (C)(3) of this rule and obtain an alleged perpetrator report specified in paragraph (C)(4) of this rule.

A recovery housing residence eligible to utilize the automated records check system (ARCS) will verify each employee's continued employment annually or at the frequency as specified by the department of medicaid in lieu of conducting checks of the databases specified in paragraph (C)(3) of this rule every four years after conducting the initial checks. The verification of continued employment will be printed and placed in each employee's personnel file. A provider using ARCs under the provisions of this paragraph is not required



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to conduct a separate search of the United States department of justice national public website (<https://nsopw.gov>) as long as the provider completed the mandated check prior to hire.

(D) Disqualifying offenses

(1) The following offenses (sections of the Revised Code) are permanently disqualifying; any equivalent federal offense or offense from another state will also be permanently disqualifying.

(a) 2903.01 (aggravated murder);

(b) 2903.02 (murder);

(c) 2905.01 (kidnapping);

(d) 2907.02 (rape);

(e) 2907.03 (sexual battery);

(f) 2907.05 (gross sexual imposition);

(g) 2907.32 (pandering obscenity);

(h) 2907.322 (pandering sexually-oriented matter involving a minor);

(i) 2907.323 (illegal use of minor in nudity-oriented material or performance);

(j) 2909.23 (making terrorist threat);

(k) 2909.24 (terrorism);

(l) 2913.40 (Medicaid fraud);

(m) 2905.32 (trafficking in persons).

(2) The following offenses (sections of the Revised Code) are disqualifying for a period of five years from the end any sanctions; any equivalent federal offense or offense from another state will also be disqualifying for a period of five years.

(a) 2903.15 (permitting child abuse);

(b) 2903.16 (failing to provide for a functionally impaired person);

(c) 2903.34 (patient abuse and neglect);



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(d) 2903.341 (patient endangerment);

(e) 2905.05 (criminal child enticement) (felony level);

(f) 2905.33 (unlawful conduct with respect to documents);

(g) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor);

(h) 2907.06 (sexual imposition);

(i) 2907.07 (importuning);

(j) 2907.08 (voyeurism);

(k) 2907.12 (felonious sexual imposition);

(l) 2907.31 (disseminating matter harmful to juveniles);

(m) 2907.321 (pandering obscenity involving a minor);

(n) 2909.22 (soliciting/providing for act of terrorism);

(o) 2919.22 (endangering children).

(3) For recovery housing residences with minor household members, the offenses listed in paragraph (D)(2) of this rule are permanently disqualifying; any equivalent federal offense or offense from another state will also be permanently disqualifying.

(E) Multiple disqualifying offenses

If an applicant or employee has been convicted of or pleaded guilty to multiple offenses listed in paragraph (D)(2) of this rule, the applicant or employee is subject to a fifteen-year exclusion period.

(F) Exceptions

A conviction of or plea of guilty to a disqualifying offense listed or described in paragraph (D)(1) of this rule will not preclude an applicant from being employed or an employee from remaining employed by a responsible entity under the following circumstances:

(1) The applicant or employee has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code;



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- (2) The applicant or employee has been granted an unconditional pardon for the offense pursuant to an existing or former law of this state, any other state, or the United States, if the law is substantially equivalent to Chapter 2967. of the Revised Code;
- (3) The applicant's or employee's conviction or guilty plea has been overturned pursuant to law;
- (4) The applicant or employee 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;
- (5) The applicant's or employee's conviction or guilty plea is not for an offense listed or described in paragraph (D)(1) of this rule and the applicant or employee has a certificate of qualification for employment issued by a court of common pleas with competent jurisdiction pursuant to section 2953.25 of the Revised Code; or
- (6) The applicant's or employee's conviction or guilty plea is not for an offense listed or described in paragraph (D)(1) of this rule and the applicant or employee has a certificate of achievement and employability in a home and community-based services-related field, issued by the department of rehabilitation and correction pursuant to section 2961.22 of the Revised Code.
- (G) Any report obtained pursuant to this rule is not a public record for purposes of section 149.43 of the Revised Code and will not be made available to any person other than:
 - (1) The applicant or employee who is the subject of the report or the applicant's, or employee's representative;
 - (2) The recovery housing residence owner or operator that requested the report;
 - (3) The department, if the department requests the recovery housing residence to provide a copy of the report to the department;
 - (4) A court, hearing officer, or other necessary person involved in a case dealing with the denial of employment to the applicant or employee, or a civil or criminal action regarding the Medicaid program or a program the department administers.
- (H) For purposes of this rule, reports from a state or federal agency regarding a person's criminal record and records regarding a person's convictions for violations of motor vehicle laws are valid for a period of one year from the date of the report.



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- (I) If the recovery housing residence contracts with any person (either directly or through another company) to perform occasional maintenance such as lawn care, snow removal, painting, etc. the recovery housing residence will not permit the contract person to be left unsupervised with a minor household member.
- (J) The recovery housing residence owner or operator will maintain written documentation in the employee's personnel file of completion all of the required checks and reports described in this rule and any other documentation necessary to demonstrate compliance. This includes printing the results of the database checks described in paragraph (C)(3) of this rule and all abuse and neglect perpetrator checks described in paragraph (C)(4) of this rule and placing them in the personnel file, as well as placing a copy of the results of all criminal records checks in the file.