



Ohio Administrative Code

Rule 5123-5-07 Investigative agent certification standards.

Effective: June 23, 2024

(A) Purpose

This rule establishes minimum qualifications through certification standards that apply to staff working in investigative agent positions at county boards of developmental disabilities and persons or employees of government entities under contract with a county board of developmental disabilities to provide investigative agent services.

(B) Definitions

For the purposes of this rule, the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by a national or regional association recognized by the secretary of the United States department of education or a foreign college or university of comparable standing.

(2) "Continuing professional education" means department-approved training required for renewal of investigative agent certification.

(a) Training related to major unusual incidents or investigations, conducted by the department, the office of the attorney general, the Ohio peace officer training academy, a public children services agency, the Ohio department of health, the Ohio department of job and family services, the Ohio department of medicaid, a law enforcement agency, or an entity with statutory authority to conduct civil or criminal investigations, will be considered continuing professional education.

(b) An investigative agent who develops and conducts training approved by the department for continuing professional education may receive double the credit toward renewal of investigative agent certification, for up to a total of six hours during each year of the effective period of the certification.



(c) An investigative agent is not required to, but may, repeat the foundational investigative agent training as continuing professional education.

(3) "County board" means a county board of developmental disabilities.

(4) "Department" means the Ohio department of developmental disabilities.

(5) "Director" means the director of the Ohio department of developmental disabilities or that person's designee.

(6) "Foundational investigative agent training" means training provided by the department that includes, but is not limited to:

(a) Civil and criminal investigatory practices.

(b) Rule 5123-17-02 of the Administrative Code.

(c) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.

(d) The role of an investigative agent in creating a culture that fosters trust through open communication, universal accountability, learning, and fair treatment of all persons involved.

(7) "Investigative agent" means a person, regardless of title, who conducts investigations pursuant to section 5126.313 of the Revised Code.

(8) "Major unusual incident" has the same meaning as in rule 5123-17-02 of the Administrative Code.

(C) Description



(1) The department may issue initial investigative agent certification for a five-year period to an applicant who meets the following requirements:

(a) The applicant is at least eighteen years of age.

(b) The applicant holds a high school diploma or certificate of high school equivalence.

(c) The applicant:

(i) Holds a bachelor's degree or graduate-level degree from an accredited college or university; or

(ii) Holds an associate's degree from an accredited college or university or has achieved at least junior year standing at an accredited college or university and has successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(iii) Holds an associate's degree from an accredited college or university or has achieved at least junior year standing at an accredited college or university and has successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities; or

(iv) Has successfully completed Ohio peace officer basic training or a comparable program that prepares a person to be a peace officer or a law enforcement officer and has successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(v) Has successfully completed four years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.

(d) The applicant has submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that the requirements set forth in this rule are met.



(2) The investigative agent will successfully complete foundational investigative agent training within the first one hundred eighty days of employment as an investigative agent. An investigative agent who fails to successfully complete foundational investigative agent training within the first one hundred eighty days of employment is ineligible to perform the duties of an investigative agent until the training has been completed.

(3) The department may renew investigative agent certification for a five-year period for an applicant who has:

(a) Successfully completed foundational investigative agent training.

(b) Successfully completed fifty hours of continuing professional education subsequent to the effective date of the preceding investigative agent certification, of which at least ten hours are related to:

(i) Conducting investigations; and/or

(ii) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.

(c) Submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that the requirements set forth in this rule are met.

(D) Investigative agent certifications issued prior to the effective date of this rule

(1) Investigative agent certifications issued prior to the effective date of this rule will remain in effect until their assigned expiration dates.

(2) A person holding level one investigative agent certification, level two investigative agent certification, or professional grade investigative agent certification on the day immediately prior to the effective date of this rule will be eligible for five-year investigative agent certification provided:



- (a) The person's investigative agent certification has not expired.
- (b) The person has successfully completed foundational investigative agent training.
- (c) The person has successfully completed:
 - (i) The renewal requirements for the investigative agent certification issued to the person prior to the effective date of this rule; or
 - (ii) Fifty hours of continuing professional education subsequent to the effective date of the investigative agent certification issued to the person prior to the effective date of this rule, of which at least ten hours are related to:
 - (A) Conducting investigations; and/or
 - (B) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.
- (d) The person has submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that the requirements set forth in this rule are met.
- (3) Investigative agent certifications issued prior to the effective date of this rule that have expired will not be renewed; applicants will be required to meet the requirements for five-year investigative agent certification in accordance with paragraph (C) of this rule.
- (E) Renewal of expired investigative agent certifications issued on or after the effective date of this rule
 - (1) Investigative agent certifications issued on or after the effective date of this rule which have been expired for less than one year may be renewed upon completion of all renewal requirements of the expired certification.



(2) Investigative agent certifications issued on or after the effective date of this rule which have been expired for one or more years may be renewed upon completion of all renewal requirements of the expired certification and completion of fifteen additional hours of continuing professional education.

(F) Administrative review

An applicant for investigative agent certification whose application is disapproved based upon the applicant's failure to meet the requirements set forth in this rule, may request in writing, within thirty calendar days of the rejection, an administrative review by the director.

(G) Standards of conduct

(1) An investigative agent will, during the course of an investigation, act in a professional manner and treat all parties involved, including individuals with developmental disabilities, families, guardians, direct support professionals, and others, with courtesy and respect.

(2) A superintendent of a county board or an executive director of a regional council of governments formed pursuant to section 5126.13 of the Revised Code by two or more county boards will notify the department in writing within seventy-two hours of becoming aware that a holder of or applicant for investigative agent certification:

(a) Is guilty of serious intemperate, immoral, or conduct unbecoming to the investigative agent position or serious incompetence or negligence within the scope of investigative agent duties;

(b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code; or

(c) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(g) of rule 5123-2-02 of the Administrative Code.

(H) Denial, suspension, or revocation



(1) The director will deny, suspend, or revoke investigative agent certification if the director finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.

(2) Except as provided in paragraph (H)(3) of this rule, the director will deny or revoke investigative agent certification if the director finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification:

(a) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123-2-02 of the Administrative Code;

(b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole;

(c) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole;

(d) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole;

(e) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant or holder was fully discharged from imprisonment, probation, and parole; or



(f) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code.

(3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code will not constitute grounds for the denial or revocation of investigative agent certification if the requirements contained in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

(4) An applicant for or holder of investigative agent certification must disclose a conviction that has been sealed.