

**4123-6-02.2****Appendix****Exclusions Due to Criminal Conviction**

## (A) Tier I. Permanent ineligibility

Individuals who have been convicted of or pleaded guilty to an offense in any of the following sections of the Revised Code are permanently ineligible to participate in the health partnership program (HPP):

- (1) 2903.01 (aggravated murder);
- (2) 2903.02 (murder);
- (4) 2903.03 (voluntary manslaughter);
- (5) 2903.11 (felonious assault);
- (6) 2903.15 (permitting child abuse);
- (7) 2903.16 (failing to provide for a functionally-impaired person);
- (8) 2903.32 (female genital mutilation)
- (9) 2903.34 (patient abuse or neglect);
- (10) 2903.341 (patient endangerment);
- (11) 2905.01 (kidnapping) ;
- (12) 2905.02 (abduction) ;
- (13) 2905.32 (human trafficking);
- (14) 2905.33 (unlawful conduct with respect to documents);
- (15) 2907.02 (rape) ;
- (16) 2907.03 (sexual battery);

- (17) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor);
- (18) 2907.05 (gross sexual imposition);
- (19) 2907.06 (sexual imposition);
- (20) 2907.07 (importuning) ;
- (21) 2907.08 (voyeurism) ;
- (22) 2907.12 (felonious sexual penetration, as that offense existed prior to September 3, 1996);
- (23) 2907.31 (disseminating matter harmful to juveniles);
- (24) 2907.32 (pandering obscenity);
- (25) 2907.321 (pandering obscenity involving a minor);
- (26) 2907.322 (pandering sexually-oriented matter involving a minor);
- (27) 2907.323 (illegal use of a minor in nudity-oriented material or performance);
- (28) 2909.22 (soliciting or providing support for act of terrorism);
- (29) 2909.23 (making terroristic threats);
- (30) 2909.24 (terrorism) ;
- (31) 2913.40 (medicaid fraud);
- (32) 2913.48 (workers' compensation fraud)
- (33) 2923.31 to 2923.36 of the Revised Code (corrupt activity);
- (34) any criminal offense related to the delivery of or billing for health care benefits;
- (35) If related to another offense under paragraph (A) of this appendix, 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) ;
- (36) A conviction related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in section 2913.46 of the Revised Code (illegal use of supplemental nutrition assistance program (SNAP) or women, infants, and children (WIC) program benefits) and paragraph (B)(xiii) of this appendix; or

(37) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraph (A) of this appendix.

(B) Tier II. Ten-year Ineligibility

Individuals who have been convicted of or pleaded guilty to, an offense in any of the following sections of the Revised Code are ineligible to participate in the HPP for a period of ten years from the date the individual receives a final discharge from all correctional supervision:

- (1) 2903.04 (involuntary manslaughter);
- (2) 2903.041 (reckless homicide);
- (3) 2905.04 (child stealing, as that offense existed prior to July 1, 1996);
- (4) 2905.05 (child enticement);
- (5) 2905.11 (extortion) ;
- (6) 2907.21 (compelling prostitution);
- (7) 2907.22 (promoting prostitution);
- (8) 2907.23 (enticement or solicitation to patronize a prostitute; procurement of a prostitute for another);
- (9) 2909.02 (aggravated arson);
- (10) 2909.03 (arson) ;
- (11) 2911.01 (aggravated robbery);
- (12) 2911.11 (aggravated burglary);
- (13) 2913.46 (illegal use of SNAP or WIC program benefits);
- (14) 2913.49 (identity fraud);
- (15) 2917.02 (aggravated riot);
- (16) 2923.12 (carrying concealed weapons);
- (17) 2923.122 (illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone);

- (18) 2923.123 (illegal conveyance, possession, or control of deadly weapon or ordnance into courthouse);
- (19) 2923.13 (having weapons while under a disability);
- (20) 2923.161 (improperly discharging a firearm at or into a habitation or school);
- (21) 2923.162 (discharge of firearm on or near prohibited premises);
- (22) 2923.21 (improperly furnishing firearms to minor);
- (23) 2923.32 (engaging in a pattern of corrupt activity);
- (24) 2923.42 (participating in a criminal gang);
- (25) 2925.02 (corrupting another with drugs);
- (26) 2925.03 (trafficking in drugs);
- (27) 2925.04 (illegal manufacture of drugs or cultivation of marijuana);
- (28) 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs);
- (29) 3716.11 (placing harmful or hazardous objects in food or confection); or
- (30) If related to an offense under paragraph (B) of this appendix, 2923.01(conspiracy), 2923.02 (attempt), or 2923.03 (complicity); or
- (31) A violation of an existing or former municipal ordinance or law of this state, any other state or the United States that is substantially equivalent to any of the offenses or violations described under paragraph (B) of this appendix.

If the individual has been convicted of multiple disqualifying offenses, including an offense listed in paragraph (B) of this appendix, and another offense or offenses listed in paragraph (B), (C), or (D) of this appendix, the individual is ineligible to participate in the HPP for fifteen years from the date the individual receives a final discharge from all correctional supervision.

Notwithstanding any other provision of this paragraph to the contrary, individuals who have been convicted of or pleaded guilty to an offense in any of the sections of the Revised Code listed in this paragraph that is related to the delivery of or billing for health care benefits are permanently ineligible to participate in the HPP pursuant to paragraph (A) of this appendix.

(C) Tier III. Seven year Ineligibility

Individuals who have been convicted of or pleaded guilty to, an offense in any of the following sections of the Revised Code are ineligible to participate in the HPP for a period of seven years from the date the individual receives a final discharge from all correctional supervision:

- (1) 959.13 (cruelty to animals);
- (2) 959.131 (prohibitions concerning companion animals);
- (3) 2903.12 (aggravated assault);
- (4) 2903.21 (aggravated menacing);
- (5) 2903.211 (menacing by stalking);
- (6) 2905.12 (coercion) ;
- (7) 2909.04 (disrupting public services);
- (8) 2911.02 (robbery) ;
- (9) 2911.12 (burglary) ;
- (10) 2913.47 (insurance fraud);
- (11) 2917.01 (inciting to violence);
- (12) 2917.03 (riot) ;
- (13) 2917.31 (inducing panic);
- (14) 2919.22 (endangering children):
- (15) 2919.25 (domestic violence);
- (16) 2921.03 (intimidation) ;
- (17) 2921.11 (perjury) ;
- (18) 2921.13 (falsification, falsification in a theft offense, falsification to purchase a firearm, or falsification to obtain a concealed handgun license);
- (19) 2921.34 (escape) ;
- (20) 2921.35 (aiding escape or resistance to lawful authority);

(21) 2921.36 (illegal conveyance of weapons, drugs or other prohibited items onto the grounds of a detention facility or institution);

(22) 2925.05 (funding drug trafficking);

(23) 2925.06 (illegal administration or distribution of anabolic steroids);

(24) 2925.24 (tampering with drugs);

(25) 2927.12 (ethnic intimidation); or

(26) If related to an offense under paragraph (C) of this appendix, 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) ; or

(27) A violation of an existing or former municipal ordinance or law of this state, any other state or the United States that is substantially equivalent to any of the offenses or violations described under paragraph (C) of this appendix.

If an individual has been convicted of multiple disqualifying offenses, including an offense listed in paragraph (C) of this appendix, and another offense or offenses listed in paragraph (C) or (D) of this appendix, the individual is ineligible to participate in the HPP for ten years from the date the individual receives a final discharge from all correctional supervision

Notwithstanding any other provision of this paragraph to the contrary, individuals who have been convicted of or pleaded guilty to an offense in any of the sections of the Revised Code listed in this paragraph that is related to the delivery of or billing for health care benefits are permanently ineligible to participate in the HPP pursuant to paragraph (A) of this appendix..

#### (D) Tier IV. Five year Ineligibility

Individuals who have been convicted of or pleaded guilty to, an offense in any of the following sections of the Revised Code are ineligible to participate in the HPP for a period of five years from the date the individual receives a final discharge from all correctional supervision:

(1) 2903.13 (assault) ;

(2) 2903.22 (menacing) ;

(3) 2907.09 (public indecency);

(4) 2907.24 (soliciting) ;

(5) 2907.25 (prostitution) ;

(6) 2907.33 (deception to obtain matter harmful to juveniles);

- (7) 2911.13 (breaking and entering);
- (8) 2913.02 (theft) ;
- (9) 2913.03 (unauthorized use of a vehicle);
- (10) 2913.04 (unauthorized use of computer, cable or telecommunication property);
- (11) 2913.05 (telecommunication fraud);
- (12) 2913.11 (passing bad checks);
- (13) 2913.21 (misuse of credit cards);
- (14) 2913.31 (forgery - forging identification cards or selling or distributing forged identification cards);
- (15) 2913.32 (criminal simulation);
- (16) 2913.41 (defrauding a rental agency or hostelry);
- (17) 2913.42 (tampering with records);
- (18) 2913.43 (securing writings by deception);
- (19) 2913.44 (personating an officer);
- (20) 2913.441 (unlawful display of law enforcement emblem);
- (21) 2913.45 (defrauding creditors);
- (22) 2913.51 (receiving stolen property);
- (23) 2919.12 (unlawful abortion);
- (24) 2919.121 (unlawful abortion upon minor);
- (25) 2919.123 (unlawful distribution of an abortion-inducing drug);
- (26) 2919.23 (interference with custody);
- (27) 2919.24 (contributing to the unruliness or delinquency of a child);
- (28) 2921.12 (tampering with evidence);
- (29) 2921.21 (compounding a crime);

- (30) 2921.24 (disclosure of confidential information);
- (31) 2921.32 (obstructing justice);
- (32) 2921.321 (assaulting or harassing a police dog, horse, or service animal);
- (33) 2921.51 (impersonation of peace officer);
- (34) 2925.09 (illegal administration, dispensing, distribution, manufacture, possession, selling, or using of any dangerous veterinary drug);
- (35) 2925.11 (drug possession, other than a minor drug possession offense);
- (36) 2925.13 (permitting drug abuse);
- (37) 2925.22 (deception to obtain a dangerous drug);
- (38) 2925.23 (illegal processing of drug documents);
- (39) 2925.36 (illegal dispensing of drug samples);
- (40) 2925.55 (unlawful purchase of pseudoephedrine product);
- (41) 2925.56 (unlawful sale of pseudoephedrine product);
- (42) If related to an offense under paragraph (D) of this appendix, 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) ; or
- (43) A violation of an existing or former municipal ordinance or law of this state, any other state or the United States that is substantially equivalent to any of the offenses or violations described under paragraph (D) of this appendix.

If an individual has been convicted of multiple disqualifying offenses listed in paragraph (D) of this appendix, the individual is ineligible to participate in the HPP for seven years from the date the individual receives a final discharge from all correctional supervision.

Notwithstanding any other provision of this paragraph to the contrary, individuals who have been convicted of or pleaded guilty to an offense in any of the sections of the Revised Code listed in this paragraph that is related to the delivery of or billing for health care benefits are permanently ineligible to participate in the HPP pursuant to paragraph (A) of this appendix.