

## **ADDENDUM TO EMPLOYEE APPLICATION**

### **O.R.C 3701-13-05 Disqualifying offenses.**

requires that home health care companies ascertain from applicants for employment that they have not been convicted plead guilty of the offenses listed below. Your signature below indicates that you have not committed nor plead guilty of:

### **3701-13-05 Disqualifying offenses.**

(A) Except as provided in rule 3701-13-06 of the Administrative Code no DCP shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to:

(1) A violation of any of the following sections of the Revised Code:

- (a) 2903.01 -- Aggravated murder;
- (b) 2903.02 -- Murder
- (c) 2903.03 -- Voluntary manslaughter
- (d) 2903.04 -- Involuntary manslaughter
- (e) 2903.11 -- Felonious assault
- (f) 2903.12 -- Aggravated assault
- (g) 2903.13 -- Assault
- (h) 2903.16 -- Failing to provide for a functionally impaired person
- (i) 2903.21 -- Aggravated menacing
- (j) 2903.34 -- Patient abuse or neglect
- (k) 2905.01 -- Kidnapping
- (l) 2905.02 -- Abduction
- (m) 2905.11 -- Extortion
- (n) 2905.12 -- Coercion
- (o) 2907.02 -- Rape
- (p) 2907.03 -- Sexual battery
- (q) 2907.05 -- Gross sexual imposition
- (r) 2907.06 -- Sexual imposition
- (s) 2907.07 -- Importuning
- (t) 2907.08 -- Voyeurism

- (u) 2907.09 -- Public indecency
- (v) Former 2907.12 -- Felonious sexual penetration
- (w) 2907.25 -- Prostitution; after positive HIV test
- (x) 2907.31 -- Disseminating matter harmful to juveniles
- (y) 2907.32 -- Pandering obscenity
- (z) 2907.321 -- Pandering obscenity involving a minor
- (aa) 2907.322 -- Pandering sexually oriented matter involving a minor
- (bb) 2907.323 -- Illegal use of a minor in nudity-oriented material or performance
- (cc) 2911.01 -- Aggravated robbery
- (dd) 2911.02 -- Robbery
- (ee) 2911.11 -- Aggravated burglary
- (ff) 2911.12 -- Burglary
- (gg) 2911.13 -- Breaking and entering
- (hh) 2913.02 -- Theft
- (ii) 2913.03 -- Unauthorized use of a vehicle
- (jj) 2913.04 -- Unauthorized use of property; computer, cable, or telecommunication property
- (kk) 2913.11 -- Passing bad checks
- (ll) 2913.21 -- Misuse of credit cards
- (mm) 2913.31 -- Forgery; identification card offenses
- (nn) 2913.40 -- Medicaid fraud
- (oo) 2913.43 -- Securing writings by deception
- (pp) 2913.47 -- Insurance fraud
- (qq) 2913.51 -- Receiving stolen property
- (rr) 2919.25 -- Domestic violence
- (ss) 2921.36 -- Illegal conveyance of weapons or prohibited items onto grounds of detention facility or institution
- (tt) 2923.12 -- Carrying concealed weapons
- (uu) 2923.13 -- Having weapons while under disability
- (vv) 2923.161 -- Improperly discharging firearm at or into habitation or school safety zone

(ww) 2925.02 -- Corrupting another with drugs

(xx) 2925.03 -- Trafficking in drugs

(yy) 2925.11 -- Possession of drugs

(zz) 2925.13 -- Permitting drug abuse

(aaa) 2925.22 -- Deception to obtain a dangerous drug

(bbb) 2925.23 -- Illegal processing of drug documents

(ccc) 3716.11 -- Placing harmful objects in food or confection

(2) A violation of an existing or former law of this state, any other state or the United States that is substantially equivalent to any of the offenses or violations listed in paragraph (A)(1) of this rule.

(B) Pardons. A conviction of or a plea of guilty to an offense listed or described in paragraph (A) of this rule shall not prevent an applicant's employment under any of the following circumstances:

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

(2) The applicant has been granted an unconditional pardon for the offense pursuant to an existing or former law of the this state, any other state, or the United States, if the law is substantially equivalent to Chapter 2967. of the Revised Code;

(3) The conviction or guilty plea has been set aside pursuant to law; or

(4) The applicant 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.

### **3701-13-06 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.

I, \_\_\_\_\_ have read the contents of this addendum to my application for employment with With All Needs Considered LLC also understand that I am required by law to notify With All Needs Considered LLC within 14 (fourteen) days if I receive formal charges, convictions, or make a guilty plea to any one of the disqualifying offenses listed above.

\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_

Date