



April 20, 2023

SUBMITTED VIA EMAIL: [ODHRules@odh.ohio.gov](mailto:ODHRules@odh.ohio.gov)

**RE: Five Year Review of Chapter 3701-13 of the Ohio Administrative Code (“Direct Care Provider Employees – Criminal Records Checks”)**

Thank you for the opportunity to provide public comment on the DCP – Criminal Records Checks rule review. My name is Brittanie Maddox and I am Chair of the Legislative Committee for the Ohio Olmstead Task Force (OOTF). OOTF is a statewide grassroots coalition of Ohioans with disabilities of all ages, family members, advocates, and organizations advocating for the right to live, work, and participate in their communities.

**We ask you to expand the language to include adults under age 60 years old.**

Our first concern regarding this rule is the reference to “older adults.” There are many adults under the age of 60 years old in nursing homes and other facilities that this rule could apply to. We recommend expanding the language to include any adult, not just those aged 60 and over throughout the rule.

**We support expanding access to fingerprint impressions.**

Rule 3701-13-03 expands fingerprint impression sheets to an electronic format instead of a tangible format only. Electronic fingerprint impressions are often more reliable and provide quick results. Waiting for background checks can be cumbersome and time consuming. Expanding access to an option that provides faster results than traditional ink prints can shorten the hiring process.

**We support establishing “Conditional Hiring.”**

Rule 3701-13-04 provides Direct Care Providers to conditionally hire an individual during the criminal records check process. Many workers who are unemployed are unable to wait extended periods of time to be hired for another position. Conditional employment allows an individual to begin working and collecting a paycheck.

Through this rule, individuals can be hired for up to 30 days while the results of a criminal records check are pending.

**We ask that you reevaluate the “personal character standards.”**

Rule 3701-13-06 states that a facility or program can hire someone with specific types of crime on their criminal records. This section is concerning, and we recommend altering the language to distinguish between misdemeanor, violent misdemeanors, and felonies. Individuals who commit felonies or a violent offense should be ineligible for a direct care job.

This section references that the victim of the offense was not an older adult, we recommend expanding the language to include children and adults under the age of 60.

Subsection 7(b) references the age and mental capacity of the victim which should not hold weight for someone's personal character standards in that regardless of the deemed mental capacity of a victim, a crime was still committed against them. As such, we recommend removing this language that would potentially give employment to someone based on a victim's mental capacity.

Nursing Homes, Residential Care Facilities, Hospice, and other facilities experience a shortage of workers like other settings. Creative rulemaking can increase the employment pool; however, care and protection from harm of the resident must be at the forefront in this review.

We appreciate the opportunity to provide feedback. If you have any questions, please contact the undersigned.

Sincerely,

Brittanie Maddox  
The Ohio Olmstead Task Force and The Ability Center of Greater Toledo  
Chair, Legislative Committee and Disability Rights Advocate  
[bmaddox@abilitycenter.org](mailto:bmaddox@abilitycenter.org)  
419-885-5733