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3701-13-05 Disqualifying offenses.

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(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.

R.C. [119.032](#) review dates: 09/10/2012 and 09/01/2017

Promulgated Under: [119.03](#)

Statutory Authority: [3701.34](#), [3712.09](#)

Rule Amplifies: [3712.09](#), [3721.121](#)

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