

4731-4-01

Definitions.

- (A) "Applicant for an initial license or certificate to practice" includes a person seeking an initial license or certificate to practice under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code.
- (B) "Applicant for a restored license or certificate to practice" includes a person seeking restoration of a license or certificate to practice pursuant to Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code.
- (C) "Criminal records check" has the same meaning as in division (G) of section 109.572 of the Revised Code.
- (D) BCI means the "Ohio Bureau of Criminal Identification and Investigation."
- (E) "FBI" means the "Federal Bureau of Investigation."

Replaces: 4730-3-01, 4731-4-01, 4774-2-01, and 4778-2-01

Effective:

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Promulgated Under: 119.03
Statutory Authority: 4776.03
Rule Amplifies: 4730.101, 4730.14, 4730.28, 4731.08, 4731.171,
4731.222, 4731.281, 4731.296, 4731.531, 4759.061,
4759.062, 4760.032, 4760.06, 4761.051, 4761.06,
4762.031, 4762.06, 4774.031, 4774.06, 4776.02,
4776.03, 4776.04, 4778.04, 4778.07
Prior Effective Dates: 09/30/2008, 02/28/2009, 10/31/2013, 12/31/2013,
06/30/2014, 09/30/2018, 04/30/2019

TO BE RESCINDED

4731-4-01 **Definitions.**

- (A) "Applicant for an initial certificate to practice" includes a person seeking an initial certificate to practice as a physician, massage therapist, or cosmetic therapist under Chapter 4731. of the Revised Code, as an anesthesiologist assistant under Chapter 4760. of the Revised Code, as an acupuncturist or oriental medicine practitioner under Chapter 4762. of the Revised Code.
- (B) "Applicant for a restored certificate to practice" includes a person seeking restoration of a certificate to practice pursuant to Chapter 4731., 4760., or 4762. of the Revised Code.
- (C) "Criminal records check" has the same meaning as in division (E) of section 109.572 of the Revised Code.
- (D) BCI means the "Ohio Bureau of Criminal Identification and Investigation."
- (E) "FBI" means the "Federal Bureau of Investigation."

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4731.531, 4760.032, 4760.06, 4762.031, 4762.06,
4776.02, 4776.03, 4776.04
Prior Effective Dates: 09/30/2008, 12/31/2013

4731-4-02

Criminal records checks.

(A) An applicant for an initial license or certificate to practice or for a restored license or certificate to practice pursuant to Chapter 4730., 4731., 4759., 4760, 4761., or 4762., 4774., or 4778. of the Revised Code, shall submit fingerprints, required forms, and required fees to BCI for completion of BCI and FBI criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the "National WebCheck" program (available at <http://www.ohioattorneygeneral.gov/>); and pay any processing fee charged by the entity, ~~and cause the entity to submit both of the following to BCI,~~ with the "State Medical Board of Ohio" designated to receive the results:

~~(a) The applicant's electronic fingerprints; and~~

~~(b) The applicant's payment of fees for the BCI and FBI criminal records checks.~~

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board ~~send~~ provide the forms required ~~for to~~ complete the criminal records checks ~~to the applicant's address.~~

Upon receipt of the forms, the applicant shall have ~~their~~ his or her fingerprints ~~processed,~~ processed and pay any applicable processing fees ~~charged by the entity, and cause the entity to submit to BCI all of the following, with the "State Medical Board of Ohio" designated to receive the results.;~~

~~(a) A fingerprint card bearing prints of the applicant's ten fingers;~~

~~(b) The applicant's completed request for exemption from the electronic fingerprint submission requirement; and~~

~~(c) The applicant's payment of fees for the BCI and FBI criminal records checks.~~

(B) The board shall maintain the criminal records check reports in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.

(C) The board shall not accept the results of a criminal records check submitted by an entity other than BCI.

(D) In reviewing the results of criminal records checks to determine whether the applicant should be granted an initial or restored certificate to practice, the board may consider all of the following:

- (1) The nature and seriousness of the crime;
- (2) The extent of the applicant's past criminal activity;
- (3) The age of the applicant when the crime was committed;
- (4) The amount of time that has elapsed since the applicant's last criminal activity;
- (5) The conduct and work activity of the applicant before and after the criminal activity;
- (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
- (7) Evidence of the applicant's rehabilitation;
- (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
- (9) Any other factors the board considers relevant.

Replaces: 4730-3-02, 4759-4-11, 4761-5-07, 4774-2-02,
4778-2-02

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4762.19, 4774.11, 4776.03, 4778.12
Rule Amplifies: 4730.101, 4730.14, 4730.28, 4731.08, 4731.171,
4731.222, 4731.281, 4731.296, 4731.531, 4759.061,
4759.062, 4760.032, 4760.06, 4761.051, 4761.06,
4762.031, 4762.06, 4774.031, 4774.06, 4776.03,
4778.04, 4778.07
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10/31/2013, 12/31/2013, 06/30/2014, 11/30/2016,
09/30/2018, 02/28/2019, 04/30/2019

TO BE RESCINDED

4730-3-01 **Definitions.**

- (A) "Applicant for an license" means a person seeking an initial license to practice as a physician assistant pursuant to Chapter 4730. of the Revised Code.
- (B) "Applicant for a restored license" includes a person seeking restoration of a license to practice pursuant to Chapter 4730. of the Revised Code.
- (C) "Criminal records check" has the same meaning as in division (E) of section 109.572 of the Revised Code.
- (D) "BCI" means the "Ohio Bureau of Criminal Identification and Investigation."
- (E) "FBI" mean the "Federal Bureau of Investigation."

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Statutory Authority: 4730.07, 4776.03
Rule Amplifies: 4730.10, 4730.14, 4776.02, 4776.03, 4776.04
Prior Effective Dates: 09/30/2008, 06/30/2014, 09/30/2018

TO BE RESCINDED

4730-3-02 **Criminal records checks.**

(A) An applicant for an initial license or for a restored license pursuant to Chapter 4730. of the Revised Code, shall submit fingerprints, required forms, and required fees to BCI for completion of BCI and FBI criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the "National WebCheck" program (available at <http://www.ohioattorneygeneral.gov/>) pay any processing fee charged by the entity, and cause the entity to submit both of the following to BCI, with the "State Medical Board of Ohio" designated to receive the results:

(a) The applicant's electronic fingerprints; and

(b) The applicant's payment of fees for the BCI and FBI criminal records checks.

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board send the forms required for the criminal records checks to the applicant's address.

Upon receipt of the forms, the applicant shall have their fingerprints processed, pay any processing fees charged by the entity and cause the entity to submit to BCI all of the following, with the "State Medical Board of Ohio" designated to receive the results:

(a) A fingerprint card bearing the prints of the applicant's ten fingers;

(b) The applicant's completed request for exemption from the electronic fingerprint submission requirement; and

(c) The applicant's payment of fees for BCI and FBI criminal records checks.

(B) The board shall maintain the criminal records check reports in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.

(C) The board shall not accept the results of a criminal records check submitted by an entity other than BCI.

(D) In reviewing the results of criminal records checks to determine whether the applicant should be granted an initial or restored certificate to practice, the board may consider all of the following:

- (1) The nature and seriousness of the crime;
- (2) The extent of the applicant's past criminal activity;
- (3) The age of the applicant when the crime was committed;
- (4) The amount of time that has elapsed since the applicant's last criminal activity;
- (5) The conduct and work activity of the applicant before and after the criminal activity;
- (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
- (7) Evidence of the applicant's rehabilitation;
- (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
- (9) Any other factors the board considers relevant.

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Statutory Authority: 4730.07, 4776.03
Rule Amplifies: 4730.101, 4730.14, 4730.28, 4776.02, 4776.03,
4776.04
Prior Effective Dates: 09/30/2008, 06/30/2014, 09/30/2018

TO BE RESCINDED

4759-4-11 **Criminal records check.**

- (A) In addition to the requirements established in section 4759.06 of the Revised Code and agency 4759 of the Administrative Code, all applicants for an initial license or limited permit license to practice dietetics in the state of Ohio shall submit to a criminal records check conducted by the Ohio bureau of criminal identification and investigation in accordance with section 4759.061 of the Revised Code.
- (B) The results of the criminal records check shall be received by the board prior to the issuance of an initial license to practice and the records check shall have been conducted no earlier that twelve months prior to the filing of the application with the board.
- (C) An applicant requesting a criminal records check shall provide the Ohio bureau of criminal identification and investigation with the applicant's name, address, and any other information required by the bureau of criminal identification for the purpose of completing the criminal records check. In the request the applicant shall ask the superintendent of the Bureau of criminal identification and investigation to obtain any information it has pertaining to the applicant from the federal bureau of investigation.
- (D) The applicant shall cause the results of the criminal records check to be forwarded directly to the "Ohio Board of Dietetics at 77 South High St., Columbus, Ohio, 43215-6119." The board shall only accept results of a criminal records check submitted directly to the board from the Ohio bureau of criminal identification and investigation.
- (E) The applicant shall bear all costs associated with the required criminal records check as determined by the Ohio bureau of criminal identification and investigation, the federal bureau of investigation, and by any agency with authority to charge a fee for fingerprint impressions.
- (F) Prior to issuance of a license, the board will in its discretion evaluate the results of the criminal records check and information from any other source to determine if the applicant is eligible for a license.
- (G) The results of the criminal records check are a confidential record and are not a public record for the purposes of section 149.43 of the Revised Code. Pursuant to section 4776.04 of the Revised Code the results are available for inspection by the applicant or applicant's legal representative during regular business hours. A legal representative requesting inspection of an applicant's criminal records shall have an appropriately filed letter of representation on file in the board office prior to inspecting the applicant's records.

(H) Background check reports will be retained in the board office for one year from the date of its receipt or final action is taken upon the applicant's license, or until such time as the report is no longer of administrative value.

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Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.06, 4759.061
Prior Effective Dates: 07/06/2009

TO BE RESCINDED

4774-2-01 **Definitions.**

- (A) “Criminal records check” has the same meaning as in division (E) of section 109.572 of the Revised Code.
- (B) “BCI&I” means the “Ohio Bureau of Criminal Identification and Investigation.”
- (C) “FBI” means the “Federal Bureau of Investigation.”

Effective:

Five Year Review (FYR) Dates: 7/5/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4774.11, 4776.03
Rule Amplifies: 4774.031, 4774.11, 4776.02, 4776.03, 4776.04
Prior Effective Dates: 02/28/2009

TO BE RESCINDED

4774-2-02 **Criminal records checks.**

(A) An applicant for an initial certificate to practice or for a restored certificate to practice pursuant to Chapter 4774. of the Revised Code, shall submit fingerprints, required forms, and required fees to BCI&I for completion of state and federal criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the BCI&I and FBI program, pay any processing fee charged by the entity, and cause the entity to submit both of the following to BCI&I, with the "State Medical Board of Ohio" designated to receive the results:

(a) The applicant's electronic fingerprints; and

(b) The applicant's payment of fees charged for the state and federal criminal records checks.

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board send the forms required for a criminal records check to the applicant's address.

Upon receipt of the forms the applicant shall have have their fingerprints processed, pay any processing fees charged by the entity, and cause the entity to submit to BCI&I all of the following, with the "State Medical Board of Ohio" designated to receive the results:

(a) A fingerprint card bearing the prints of the applicant's ten fingers;

(b) The applicant's completed request for exemption from the electronic fingerprint submission requirement; and

(c) The applicant's payment of fees charged for state and federal criminal records checks.

(3) The applicant who submits the criminal records check via the fingerprint card bearing the prints of applicant's ten fingers, pursuant to paragraph (A)(2) of this rule, shall also ensure that any other forms required by the board are completed and submitted to the board.

- (B) The board shall maintain the criminal records check report in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.
- (C) The board shall not accept the results of a criminal records check submitted by an entity other than BCI&I.
- (D) In reviewing the results of a criminal records check to determine whether the applicant should be granted an initial or restored certificate to practice, the board may consider all of the following:
- (1) The nature and seriousness of the crime;
 - (2) The extent of the applicant's past criminal activity;
 - (3) The age of the applicant when the crime was committed;
 - (4) The amount of time that has elapsed since the applicant's last criminal activity;
 - (5) The conduct and work activity of the applicant before and after the criminal activity;
 - (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
 - (7) Evidence of the applicant's rehabilitation;
 - (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
 - (9) Any other factors the board considers relevant.

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Statutory Authority: 4774.11
Rule Amplifies: 4774.031, 4774.11, 4776.02, 4776.03, 4776.04
Prior Effective Dates: 02/28/2009, 11/30/2016

TO BE RESCINDED

4778-2-01 **Definitions.**

(A) “Criminal records check” has the same meaning as in division (E) of section 109.572 of the Revised Code.

(B) “BCI” means the “Ohio Bureau of Criminal Identification and Investigation.”

(C) “FBI” means the “Federal Bureau of Investigation.”

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Promulgated Under: 119.03
Statutory Authority: 4778.12
Rule Amplifies: 4776.03, 4778.04
Prior Effective Dates: 10/31/2013, 04/30/2019

TO BE RESCINDED

4778-2-02 **Criminal records checks.**

(A) An applicant for an initial license to practice or for a restored license to practice pursuant to Chapter 4778. of the Revised Code, shall submit fingerprints, required forms, and required fees to BCI for completion of state and federal criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the BCI and FBI program, pay any processing fee charged by the entity, and cause the entity to submit both of the following to BCI, with the “State Medical Board of Ohio” designated to receive the results:

(a) The applicant’s electronic fingerprints; and

(b) The applicant’s payment of fees charged for the state and federal criminal records checks.

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board send the forms required for a criminal records check to the applicant’s address.

Upon receipt of the forms, the applicant shall have their fingerprints processed, pay any processing fees charged by the entity, and cause the entity to submit to BCI all of the following, with the “State Medical Board of Ohio” designated to receive the results:

(a) A fingerprint card bearing the prints of the applicant’s ten fingers;

(b) The applicant’s completed request for exemption from the electronic fingerprint submission requirement; and

(c) The applicant’s payment of fees charged for state and federal criminal records checks.

(B) The board shall maintain the criminal records check report in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.

(C) The board shall not accept the results of a criminal records check submitted by an entity other than BCI.

(D) In reviewing the results of a criminal records check to determine whether the applicant should be granted an initial or restored license to practice, the board may consider all of the following:

- (1) The nature and seriousness of the crime;
- (2) The extent of the applicant's past criminal activity;
- (3) The age of the applicant when the crime was committed;
- (4) The amount of time that has elapsed since the applicant's last criminal activity;
- (5) The conduct and work activity of the applicant before and after the criminal activity;
- (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
- (7) Evidence of the applicant's rehabilitation;
- (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
- (9) Any other factors the board considers relevant.

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