

## TO BE RESCINDED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.

Effective: 9/30/2019

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

CERTIFIED ELECTRONICALLY

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Certification

09/12/2019

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Date

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Rule Amplifies: 4776.03, 4778.04  
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