

CRIMINAL RECORDS CHECK REQUIRED FOR QUALIFIED PHARMACY TECHNICIANS

(8/26/2009)

On 4-8-09, section 4729.42 of the Revised Code, or Emily's Law, regarding pharmacy technicians became effective. The law requires a criminal records check through the Ohio Bureau of Criminal Identification and Investigation (BCI&I) and the Federal Bureau of Investigation (FBI) to determine if a person could become a qualified pharmacy technician. The Board of Pharmacy is in the process of adopting rules to establish administrative and procedural requirements. Until rules are adopted, applicants should follow the criminal records check procedures noted in this document and the proposed new rule language in rule 4729-4-04 as follows:

Proposed new rule: 4729-4-04 Criminal records check for qualified pharmacy technicians

- (A) Pursuant to sections 4729.42 and 4776.02 of the Revised Code, the criminal records check performed by the Ohio bureau of criminal identification and investigation (BCI&I) shall consist of both a BCI&I criminal records check and a federal bureau of investigation (FBI) criminal records check. BCI&I shall send the results of the BCI&I criminal records check directly to the employer or potential employer. BCI&I shall provide a letter regarding the FBI criminal records check to the employer or potential employer stating that there is either no record of any conviction or a letter stating that the request may not meet the criteria. When an employer or potential employer receives a letter stating that the request may not meet the criteria, they may share this information with the employee or potential employee. In order to complete the criminal records check, the employee or potential employee must then complete a "Request for Release-FBI Rapsheet" and send it to BCI&I to request a copy of the FBI criminal record results be sent directly to the employee or potential employee. The employee or potential employee is then responsible for providing the FBI criminal records check results to the employer or potential employer. The employee or potential employee must provide the results to the employer or potential employer in the original sealed envelope received from BCI&I.
- (A) The criminal records check shall be based on electronic fingerprint impressions that are submitted directly to BCI&I from a "WebCheck" provider agency located in Ohio. The employer may accept the results of a criminal records check based on ink impressions from a "WebCheck" provider agency only in the event that readable electronic fingerprint impressions cannot be obtained.

An employee or potential employee seeking to be a qualified pharmacy technician must go to a **WebCheck (BCI & FBI)** provider agency to start the process. An employer or potential employer shall only accept a criminal records check based on electronic fingerprint impressions submitted to a WebCheck (BCI & FBI) designated provider agency located in Ohio, unless the WebCheck provider agency is unable to obtain readable electronic fingerprint impressions. Then, and only then, may an employer or potential employer accept ink fingerprint impressions from the Ohio WebCheck provider agency. The applicant **must** come to Ohio and **personally** provide electronic fingerprint impressions at any of the eighty-eight Ohio county sheriffs' offices or any other WebCheck (BCI & FBI) designated provider. To view

a complete list of WebCheck (BCI & FBI) provider agencies please visit the WebCheck Community Listing located at this direct link on the Ohio Attorney General's website:

<http://www.ohioattorneygeneral.gov/Services/Business/WebCheck/Webcheck-Community-Listing>

All eighty-eight county sheriffs' offices are WebCheck (BCI & FBI) providers even if they are not listed on the WebCheck Community Listing. If you select an agency other than a sheriff's office please make sure that it has "(BCI & FBI)" listed after the name. Contact the WebCheck (BCI & FBI) provider agency to determine the total fee(s) and the accepted method(s) of payment. Fees include: BCI&I/\$22, plus FBI/\$24, and some agencies may charge a processing fee (e.g. \$5-\$40). Also, verify if any additional materials are needed (e.g. photo id). Note, some agencies have restricted hours and may require you to schedule an appointment.

While at the WebCheck (BCI & FBI) provider site:

- 1) Request both a BCI&I and FBI criminal records check via electronic fingerprint impressions
- 2) Pay the required fees directly to the WebCheck (BCI & FBI) provider
- 3) Request the background check results be sent to your employer or potential employer
- 4) Indicate the reason fingerprinted as: Pursuant to ORC 4729.42

What to do when an employer or potential employer receives a letter from BCI&I indicating that the request may not meet the criteria:

- 1) The employer or potential employer needs to contact the employee or potential employee to let them know that they received such a letter from BCI&I.
- 2) The employee or potential employee must then complete a "Request for Release-FBI Rapsheet" and send it to BCI&I so that the employee or potential employee may receive the results. The form and sending instructions can be obtained from this direct link on the Ohio Attorney General's website:

<http://www.ohioattorneygeneral.gov/files/Forms/Forms-for-Business/Fingerprints/Request-for-Release--FBI-Rapsheet.aspx>

- 3) The employee or potential employee will then receive the FBI criminal records results from BCI&I in the mail. The results must be submitted by the employee or potential employee to the employer or potential employer in the original sealed envelope sent by BCI&I.