

4729-18-03

**Criminal Records Checks for Office-Based Opioid Treatment Facilities.**

- (A) All criminal records checks conducted in accordance with this rule shall consist of both a BCI&I criminal records check and a federal bureau of investigations (FBI) records check.
- (B) Pursuant to section 4729.553 of the Revised Code, a terminal distributor of dangerous drug license with an office-based opioid treatment classification will not be issued until the physician owner(s), or, if incorporated, the physician officers, of the office-based opioid treatment facility submit fingerprints to the Ohio bureau of criminal identification and investigation (BCI&I) for a criminal records check. The results of the criminal records check must be sent directly to the Ohio state board of pharmacy from BCI&I. To be considered valid, the criminal records check must have been performed within the past twelve months. After the board receives the results of all required criminal records checks the license process will proceed.
- (C) If an exemption is requested pursuant to paragraph (B) of rule 4729-18-02 of the Administrative Code, a terminal distributor of dangerous drug license with an office-based opioid treatment classification will not be issued until the following submit fingerprints to the Ohio bureau of criminal identification and investigation (BCI&I) for a criminal records check:
- (1) Based upon the terminal distributor's business type:
    - (a) All partners of a partnership;
    - (b) The sole proprietor of a sole proprietorship;
    - (c) The president, vice president, secretary, treasurer, and chief executive officer, or any equivalent position of a corporation and, if a corporation is not publicly traded on a major stock exchange, each shareholder owning ten percent or more of the voting stock of the corporation;
    - (d) The agency director of a government agency.
  - (2) The persons listed in paragraph (C)(1) of this rule shall be a natural person that owns and/or operates the business entity applying for licensure. In the event the applicant is not owned by a natural person, each business entity with an ownership interest in the applicant must be disclosed on the application up to and through the entity that is owned by a natural person, who shall be subject to a background check in accordance with this rule.
  - (3) The results of the criminal records check must be sent directly to the Ohio state board of pharmacy from BCI&I. To be considered valid, the criminal records check must have been performed within the past twelve months. After the board receives the results of all required criminal records checks the license process will proceed.

- (D) If there is a change in any of the persons listed in paragraphs (B) and (C) of this rule, only the new persons shall submit to a criminal records check as part of the change of ownership requirements pursuant to rule 4729-9-08 of the Administrative Code.
- (E) Physician owner(s), physician officers or owners pursuant to paragraph (C) of this rule are required to have all employees submit to a BCI&I and FBI criminal records check to ensure that no person has been previously convicted of, or pleaded guilty to a theft offense that would constitute a felony as described in division (K)(3) of section 2913.01 of the Revised Code or a felony drug abuse offense as defined in section 2925.01 of the Revised Code.
- (1) 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.
  - (2) 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.
  - (3) 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 must provide the 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.
  - (4) 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.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

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