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**5122-26-06 Human resources management.**

- (A) The purpose of this rule is to establish that the provider's human resource management processes shall assure the provider is able to provide quality, client-driven treatment services in a safe, respectful environment.
- (B) In addition to the definitions in rule 5122-24-01 of the Administrative Code, the following definition shall apply to this rule:

"Personnel" means any paid or unpaid person, volunteer, contract worker, student intern or other person who is a part of an provider's workforce, including but not limited to those who perform management, clinical, operations, clerical, or other functions in support of the provider's mission, vision and goals. Contract worker does not include an individual or company with whom the provider contracts to perform occasional maintenance such as lawn care, snow removal, painting, etc. Staff or employee shall have the same meaning as personnel.

- (C) The provider's human resources management policies, procedures and processes shall assure:
- (1) Development of a workforce comprised of competent, qualified staff, including clinical and non-clinical staff.
  - (2) Appropriate and adequate supervision.
  - (3) Continuing education.
  - (4) Maintaining appropriate documentation.
- (D) The provider shall develop a job description for each position that includes:
- (1) Minimum qualifications for the position:
    - (a) Competencies, e.g. knowledge, skills and experience.
    - (b) Credentials and academic requirements, if applicable.

Credentials includes individuals providing services which requires being credentialed by an Ohio credentialing board and/or a federal agency, e.g. a healthcare prescriber's DEA registration.

- (2) Duties and responsibilities of the position.
- (E) The provider shall verify credentials, when required, prior to hire and on an on-going basis. The provider may maintain documentation of verifying credentials by making a copy of the individual's license, certificate, registration or certificate, maintaining a log noting the date and name of person who verified credentials, or by a similar method.

~~(F) (F) Services to children and adolescents. Provider agencies offering services to children and adolescents shall assure:~~

~~(1) (1) Each employee utilized in positions which are responsible for the direct care or supervision of children or adolescents shall be at least eighteen years of age.~~

~~(2) (2) Any prospective employee, volunteer or student intern shall not have pled guilty to nor been convicted of any of the offenses listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A-~~

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~~prospective employee, adult volunteer or student intern convicted of or who has pleaded guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by a provider if the conditions as provided in paragraph (H) of rule 5101:2-5-09 of the Administrative Code have been met.~~

~~(3) (3) Criminal record background checks on employees, volunteers and student interns are conducted by the bureau of criminal identification and investigation (BCII), or any other state or federal agency designated by the director, and, if the prospective employee does not demonstrate that they have been a resident of Ohio for the preceding five years, by the federal bureau of investigation (FBI).~~

~~(G) (F)~~ The provider shall provide orientation training to staff and document the orientation training, which shall be completed within thirty calendar days of the first date of employment. Orientation shall include at a minimum the following:

- (1) Employee and client safety.
- (2) Provider's mission, vision and goals.
- (3) Characteristics of the population served.
- (4) Sensitivity to cultural diversity.
- (5) Policies and procedures specific to job duties and responsibilities.
- (6) Confidentiality, including HIPAA, and, if applicable 42 CFR part 2.
- (7) Reporting abuse and neglect policies and procedures.
- (8) Client rights and grievance policies and procedures.

~~(H) (G)~~ Services and supervision.

- (1) All personnel for whom a state or federal credential is required by law or regulation shall maintain the current credential issued by the appropriate body in the state of Ohio and/or federal agency, and shall practice only within the scope of their credential.
- (2) Services requiring supervision in accordance with Chapter 5122-29 of the Administrative Code shall be under the supervision of an individual who is eligible to supervise services as set forth in rule 5122-29-30 of the Administrative Code, and who has demonstrated experience, competency, and education in the area supervised, i.e. substance ~~abuse~~use disorders, mental health or dual diagnosis; and services to children, adults or both.
- (3) Each non-supervisor staff providing direct services shall receive regularly scheduled and documented supervision appropriate to their skill level, experience and job duties, and in accordance with the requirements of their license, certificate or registration, if applicable.

Supervision may be provided in individual and group sessions, including supervisor participation in treatment plan meetings.

~~(H) (H)~~ Continuing education and training.

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- (1) The provider shall assure direct service and supervisory staff participate in continuing education and training.
  - (a) Minimum training hours shall be in accordance with each individual's credentialing board, or
  - (b) Staff providing or supervising services for which no credential issued by a state credentialing board is required shall complete at least twenty hours of continuing education every two years, based on the individual's date of hire. If the individual was originally hired in a position in which he/she was not required to participate in staff development training, but was later hired in such a position, the first twenty hours of training shall be completed within two years of the first date of work in the new position. Staff employed as of the effective date of this rule providing or supervising services for which no credential issued by a state credentialing board is required shall complete the required training within three years of the effective date, and every two years thereafter, based upon the hire date or first date of work in the new position, as applicable.
- (2) Training shall:
  - (a) Maintain or increase competency;
  - (b) Include topics specific to population served; and
  - (c) Ensure culturally competent provision of service.

~~(I)~~ (I) Performance evaluation.

- (1) The provide shall evaluate staff performance at a frequency required by its accrediting body, if applicable, or for a provider without behavioral health accreditation, annually.
- (2) The provider shall establish in writing a system and frequency for evaluating volunteers, based on job duties, scope of responsibility, and frequency of service.
- (3) The provider shall evaluate contract staff performance in accordance with its human resources management policies and procedures.

~~(K)~~ (J) Personnel files. The provider shall maintain a personnel file for each employee, including contract staff and volunteers. Personnel files shall be stored in such a manner as to maintain the privacy of each staff person. Provider policies shall describe who shall have access to the various information contained within the file. Personnel files shall include the following:

- (1) All staff, including contract staff, student interns and volunteers:
  - (a) Identifying information;
  - (b) Verification of credentials, as applicable:
    - (i) From professional regulatory boards in Ohio and federal agencies, if applicable, including either electronic verification or copies of current professional licenses, certifications, or registration; or
    - (ii) Documentation of competency for individuals providing direct services or supervising services for which no credential is required. Each provider shall establish the documentation necessary to verify competency.

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- (c) Position description. For contract staff, a copy of the contract containing duties, expectations and required qualifications is sufficient.
- (d) For providers which provide alcohol and other drug services, documentation that the employee has reviewed and agreed to abide by the federal regulations on the confidentiality of alcohol and drug abuse patient records (Title 42, Code of Federal Regulations, part 2).
- (e) Documentation of orientation, including documentation to reflect that the employee has received a copy of the policies and procedures identified in paragraph (G) of this rule and has agreed to abide by each of them.
- (f) The criminal background check required by paragraph (~~F~~N) of this rule for all staff of an agency providing services to children and adolescents.
- (g) Disciplinary actions, if applicable.

~~(h)~~ Acknowledgement of receipt of the agency's policy on reporting allegations of abuse and neglect.

(2) All staff, excluding student interns or volunteers:

- (a) Notification of hire, to include start date and position.
- (b) For contract staff, a copy of the contract is sufficient.

(3) All staff, excluding contract staff, student interns and volunteers:

- (a) Application for employment or resume, with the exception of the executive director, CEO, president or owner.
- (b) Verification of references, if required for position.
- (c) Performance evaluations.
- (d) Documentation of on-going training in accordance with paragraph (H) of this rule for staff who provide direct service or staff who supervise services.

~~(L)~~ (K) The provider shall develop written human resources management policies and procedures sufficient to carry out the provisions of this rule. Policies and procedures shall include at a minimum:

- (1) Prohibit discrimination in employment, training, job duties, compensation, evaluation, promotion, and any other term or condition of employment based on race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws;
- (2) Describe a formal process to express and process employee grievances;
- (3) Prohibit sexual harassment;
- (4) Establish standards of acceptable behavioral for all employees.
- (5) Termination of employment.
- (6) Confidentiality, including HIPAA, and, if applicable 42 CFR part 2 if applicable.

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(7) Abuse and neglect policies and procedures:

- (a) Required internal and external reporting of allegations of staff neglect and abuse of persons served.
- (b) Responding to allegations of staff neglect and abuse of persons served.

(8) Client rights and grievance policies and procedures as required by rule 5122-26-18 of the Administrative Code.

(9) Policy that appropriate disciplinary action, up to and including dismissal from employment, shall be taken regarding any employee misconduct or criminal conviction that bears a direct and substantial relationship to that employee's position.

(10) Procedures for notifying employees of changes to the policies and procedures required by this rule.

~~(M)~~(L) A copy of the written personnel policies and procedures shall be available to each employee. Employees shall be notified of changes in personnel policies and procedures.

~~(N)~~(M) ~~Each provider serving children or adolescents shall have a policy which states the following:~~Services to children and adolescents. Provider agencies offering services to children and adolescents shall assure:

(1) Each employee utilized in positions which are responsible for the direct care or supervision of children or adolescents shall be at least eighteen years of age.

(2) ~~A prospective employee, volunteer or student intern shall not have pled guilty to nor been convicted of any of the offenses listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A prospective employee, adult volunteer or student intern convicted of or who has pleaded guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by a provider if the conditions as provided in paragraph (H) of rule 5102:2-5-09 of the Administrative Code have been met.~~It conducts a search of the United States department of justice national public sex offender website (available at <https://nsopw.gov>). The provider agency is not to employ an individual whose name appears on this database.

(3) ~~The provider shall require that criminal records checks on employees, volunteers and student interns be conducted by the bureau of criminal identification and investigation (BCI), or any other state or federal agency designated by the director, and, if the prospective employee does not demonstrate that they have been a resident of Ohio for the preceding five years, by the federal bureau of investigation (FBI).~~It conducts a criminal background check on all prospective personnel as defined by paragraph (B) of this rule. The provider agency shall request the Ohio bureau of criminal investigation (BCI) conduct the criminal background check. The provider agency is to also request that the reporting agency obtain information from the federal bureau of investigation as part of the criminal records check.

~~(4) The provider agency shall not employ or continue to employ, or utilize as a volunteer or student intern, any individual convicted of any offense in paragraph (N) of this rule during the exclusionary time period contained in paragraph (N), unless:~~

- ~~(a) The individual has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code;~~

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- (b) The individual has been granted an unconditional pardon for the offense pursuant to an existing or former law of this state, any other state, or the United States, if the law is substantially equivalent to Chapter 2967. of the Revised Code;
- (c) The individual's conviction or guilty plea has been overturned pursuant to law;
- (d) The individual 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;
- (e) The individual's conviction or guilty plea is not for an offense listed or described in paragraph (N)(1)(a) of this rule and the applicant or employee has a certificate of qualification for employment issued by a court of common pleas with competent jurisdiction pursuant to section 2953.25 of the Revised Code; or
- (f) The individual's conviction or guilty plea is not for an offense listed or described in paragraph (N)(1)(a) of this rule and the applicant or employee has a certificate of achievement and employability in a home and community based services-related field, issued by the Ohio department of rehabilitation and correction pursuant to section 2961.22 of the Revised Code.
- (N) Disqualifying offenses for an individual in an agency providing service to children of adolescents.
  - (1) There are five tiers of disqualifying offenses with corresponding time periods that preclude an applicant from being employed or an employee from remaining employed by a provider agency.
    - (a) Tier one: permanent exclusion. No provider agency shall employ an applicant or continue to employ an employee if the applicant or employee has been convicted of or pleaded guilty to any of the following sections of the Revised Code:
      - (i) 2903.01 (aggravated murder);
      - (ii) 2903.02(murder);
      - (iii) 2903.03 (voluntary manslaughter);
      - (iv) 2903.11 (felonious assault);
      - (v) 2903.15 (permitting child abuse);
      - (vi) 2903.16 (failing to provide for a functionally impaired person);
      - (vii) 2903.34 (patient abuse and neglect);
      - (viii) 2903.341 (patient endangerment);
      - (ix) 2905.01 (kidnapping);
      - (x) 2905.02 (abduction);
      - (xi) 2905.32 (human trafficking);
      - (xii) 2905.33 (unlawful conduct with respect to documents);
      - (xiii) 2907.02(rape);

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- (xiv) 2907.03 (sexual battery);
- (xv) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor);
- (xvi) 2907.05 (gross sexual imposition);
- (xvii) 2907.06 (sexual imposition);
- (xviii) 2907.07 (importuning);
- (xix) 2907.08 (voyeurism);
- (xx) 2907.12 (felonious sexual penetration);
- (xxi) 2907.31 (disseminating matter harmful to juveniles);
- (xxii) 2907.32 (pandering obscenity);
- (xxiii) 2907.321 (pandering obscenity involving a minor);
- (xxiv) 2907.322 (pandering sexually-oriented matter involving a minor);
- (xxv) 2907.323 (illegal use of minor in nudity-oriented material or performance);
- (xxvi) 2909.22 (soliciting/providing support for act of terrorism);
- (xxvii) 2909.23 (making terrorist threat);
- (xxviii) 2909.24 (terrorism);
- (xxix) 2913.40 (medicaid fraud);
- (xxx) 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) when the underlying offense is any of the offenses or violations described in paragraphs (N)(1)(a)(i) to (N)(1)(a)(xxix) of this rule;
- (xxxi) A conviction related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in section 2913.46 of the Revised Code (illegal use of supplemental nutrition assistance program or women, infants, and children program benefits); or
- (xxxii) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (N)(1)(a)(i) to (N)(1)(a)(xxxii) of this rule.
- (b) No provider agency shall employ an applicant or continue to employ an employee, if the applicant or employee has been convicted of an offense, where the victim of the offense was one of the following:
  - (i) A person under eighteen years of age.
  - (ii) A functionally impaired person as defined in section 2903.10 of the Revised Code.
  - (iii) A mentally retarded person as defined in section 5123.01 of the Revised Code.

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- (iv) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
- (v) A person with a mental illness as defined in section 5122.01 of the Revised Code.
- (vi) A person sixty years of age or older.
- (c) Tier two: ten-year exclusion. No provider agency shall employ an applicant or continue to employ an employee, for a period of ten years from the date the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of or pleaded guilty to any of the following sections of the Revised Code:
  - (i) 2903.04 (involuntary manslaughter);
  - (ii) 2903.041 (reckless homicide);
  - (iii) 2905.04 (child stealing) as it existed prior to July 1, 1996;
  - (iv) 2905.05 (criminal child enticement);
  - (v) 2905.11 (extortion);
  - (vi) 2907.21 (compelling prostitution);
  - (vii) 2907.22 (promoting prostitution);
  - (viii) 2907.23 (enticement or solicitation to patronize a prostitute, procurement of a prostitute for another);
  - (ix) 2909.02 (aggravated arson);
  - (x) 2909.03(arson);
  - (xi) 2911.01 (aggravated robbery);
  - (xii) 2911.11 (aggravated burglary);
  - (xiii) 2913.46 (illegal use of supplemental nutrition assistance program or women, infants, and children program benefits);
  - (xiv) 2913.48 (worker's compensation fraud);
  - (xv) 2913.49 (identity fraud);
  - (xvi) 2917.02 (aggravated riot);
  - (xvii) 2923.12 (carrying concealed weapon);
  - (xviii) 2923.122 (illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone);
  - (xix) 2923.123 (illegal conveyance, possession, or control of deadly weapon or dangerous ordnance into courthouse);



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- (xx) 2923.13 (having weapons while under disability);
  - (xxi) 2923.161 (improperly discharging a firearm at or into a habitation or school);
  - (xxii) 2923.162 (discharge of firearm on or near prohibited premises);
  - (xxiii) 2923.21 (improperly furnishing firearms to minor);
  - (xxiv) 2923.32 (engaging in pattern of corrupt activity);
  - (xxv) 2923.42 (participating in criminal gang);
  - (xxvi) 2925.02 (corrupting another with drugs);
  - (xxvii) 2925.03 (trafficking in drugs);
  - (xxviii) 2925.04 (illegal manufacture of drugs or cultivation of marihuana);
  - (xxix) 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs);
  - (xxx) 3716.11 (placing harmful objects in food or confection);
  - (xxxi) 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) when the underlying offense is any of the offenses or violations described in paragraphs (N)(1)(c)(i) to (N)(1)(c)(xxx) of this rule; or
  - (xxxii) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (N)(1)(c)(i) to (N)(1)(c)(xxxi) of this rule.
- (d) Tier three: seven-year exclusion. No provider agency shall employ an applicant or continue to employ an employee, for a period of seven years from the date the applicant, or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of or pleaded guilty to any of the following sections of the Revised Code:
- (i) 959.13 (cruelty to animals);
  - (ii) 959.131 (prohibitions concerning companion animals);
  - (iii) 2903.12 (aggravated assault);
  - (iv) 2903.21 (aggravated menacing);
  - (v) 2903.211 (menacing by stalking);
  - (vi) 2905.12 (coercion);
  - (vii) 2909.04 (disrupting public services);
  - (viii) 2911.02 (robbery);
  - (ix) 2911.12 (burglary);
  - (x) 2913.47 (insurance fraud);

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- (xi) 2917.01 (inciting to violence);
- (xii) 2917.03 (riot);
- (xiii) 2917.31 (inducing panic);
- (xiv) 2919.22 (endangering children);
- (xv) 2919.25 (domestic violence);
- (xvi) 2921.03 (intimidation);
- (xvii) 2921.11 (perjury);
- (xviii) 2921.13 (falsification, falsification in theft offense, falsification to purchase firearm, or falsification to obtain a concealed handgun license);
- (xix) 2921.34(escape);
- (xx) 2921.35 (aiding escape or resistance to lawful authority);
- (xxi) 2921.36 (illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution);
- (xxii) 2925.05 (funding of drug or marihuana trafficking);
- (xxiii) 2925.06 (illegal administration or distribution of anabolic steroids);
- (xxiv) 2925.24 (tampering with drugs);
- (xxv) 2927.12 (ethnic intimidation);
- (xxvi) 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) when the underlying offense is any of the offenses or violations described in paragraphs (N)(1)(d)(i) to (N)(1)(d)(xxv) of this rule; or
- (xxvii) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (N)(1)(d)(i) to (N)(1)(d)(xxvi) of this rule.
- (e) Tier four: five-year exclusion. No provider agency shall employ an applicant or continue to employ an employee, for a period of five years from the date the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted or pleaded guilty to any of the following sections of the Revised Code:
  - (i) 2903.13(assault);
  - (ii) 2903.22(menacing);
  - (iii) 2907.09 (public indecency);
  - (iv) 2907.24 (soliciting after positive human immunodeficiency virus test);
  - (v) 2907.25(prostitution);

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- ~~(vi) 2907.33 (deception to obtain matter harmful to juveniles);~~
- ~~(vii) 2911.13 (breaking and entering);~~
- ~~(viii) 2913.02 (theft);~~
- ~~(ix) 2913.03 (unauthorized use of a vehicle);~~
- ~~(x) 2913.04 (unauthorized use of property, computer, cable, or telecommunication property);~~
- ~~(xi) 2913.05 (telecommunications fraud);~~
- ~~(xii) 2913.11 (passing bad checks);~~
- ~~(xiii) 2913.21 (misuse of credit cards);~~
- ~~(xiv) 2913.31 (forgery, forging identification cards);~~
- ~~(xv) 2913.32 (criminal simulation);~~
- ~~(xvi) 2913.41 (defrauding a rental agency or hostelry);~~
- ~~(xvii) 2913.42 (tampering with records);~~
- ~~(xviii) 2913.43 (securing writings by deception);~~
- ~~(xix) 2913.44 (personating an officer);~~
- ~~(xx) 2913.441 (unlawful display of law enforcement emblem);~~
- ~~(xxi) 2913.45 (defrauding creditors);~~
- ~~(xxii) 2913.51 (receiving stolen property);~~
- ~~(xxiii) 2919.12 (unlawful abortion);~~
- ~~(xxiv) 2919.121 (unlawful abortion upon minor);~~
- ~~(xxv) 2919.123 (unlawful distribution of an abortion-inducing drug);~~
- ~~(xxvi) 2919.23 (interference with custody);~~
- ~~(xxvii) 2919.24 (contributing to unruliness or delinquency of child);~~
- ~~(xxviii) 2921.12 (tampering with evidence);~~
- ~~(xxix) 2921.21 (compounding a crime);~~
- ~~(xxx) 2921.24 (disclosure of confidential information);~~
- ~~(xxxi) 2921.32 (obstructing justice);~~
- ~~(xxxii) 2921.321 (assaulting/harassing police dog or horse/service animal);~~
- ~~(xxxiii) 2921.51 (impersonation of peace officer);~~

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- ~~(xxxiv) 2925.09 (illegal administration, dispensing, distribution, manufacture, possession, selling, or using any dangerous veterinary drug);~~
- ~~(xxxv) 2925.11 (drug possession other than a minor drug possession offense);~~
- ~~(xxxvi) 2925.13 (permitting drug abuse);~~
- ~~(xxxvii) 2925.22 (deception to obtain dangerous drugs);~~
- ~~(xxxviii) 2925.23 (illegal processing of drug documents);~~
- ~~(xxxix) 2925.36 (illegal processing of drug samples);~~
- ~~(xl) 2925.55 (unlawful purchase of pseudoephedrine product);~~
- ~~(xli) 2925.56 (unlawful sale of pseudoephedrine product);~~
- ~~(xlii) 2923.01 (conspiracy), 2923.02 (attempt), or 2923.03 (complicity) when the underlying offense is any of the offenses or violations described in paragraphs (N)(1)(e)(i) to (N)(1)(e)(xli) of this rule; or~~
- ~~(xliii) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (N)(1)(e)(i) to (N)(1)(e)(xlii) of this rule.~~
- ~~(xliv) Two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application.~~
- ~~(f) Tier five: no exclusion. A provider agency may employ an applicant or continue to employ an employee, if the applicant or employee has been convicted of or pleaded guilty to any of the following sections of the Revised Code:~~
  - ~~(i) 2925.11 (drug possession that is minor drug possession offense);~~
  - ~~(ii) 2925.14 (illegal use or possession of drug paraphernalia);~~
  - ~~(iii) 2925.141 (illegal use or possession of marijuana drug paraphernalia); or~~
  - ~~(iv) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (N)(1)(f)(i) to (N)(1)(f)(iii) of this rule.~~
- ~~(2) Multiple disqualifying offenses.~~
  - ~~(a) If an applicant or employee has been convicted of or pleaded guilty to the following multiple disqualifying offenses, the applicant or employee is subject to a fifteen-year exclusion period:~~
    - ~~(i) Two or more disqualifying offenses listed in paragraph (N)(1)(c) of this rule; or,~~
    - ~~(ii) An offense listed in paragraph (N)(1)(c) and one or more offenses listed in paragraph (N)(1)(d) or paragraph (N)(1)(e) of this rule.~~
  - ~~(b) If an applicant or employee has been convicted of or pleaded guilty to the following multiple~~

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disqualifying offenses, the applicant or employee is subject to a ten-year exclusion:

-(i) Two or more disqualifying offenses listed in paragraph (N)(1)(d) of this rule; or,

-(ii) An offense listed in paragraph (N)(1)(d) of this rule and one or more offenses listed in paragraph (N)(1)(e) of this rule.

-(c) If an applicant or employee has been convicted of, or pleaded guilty to, two or more disqualifying offenses listed in paragraph (N)(1)(e) of this rule, the applicant or employee is subject to a seven-year exclusion:

~~(O) (O) A copy of the written personnel policies and procedures shall be available to each employee. Employees shall be notified of changes in personnel policies and procedures. The provider shall establish written procedures for notifying employees of such changes.~~

~~(P) (P) Personnel files.~~

~~(1) (1) The provider shall maintain a person file on each staff person, who shall have access to their own personnel file.~~

~~(2) (2) Personnel files shall be stored in such a manner as to maintain the privacy of each staff person. Provider policies shall describe who shall have access to the various information contained within the file.~~

~~(3) (3) Each personnel file shall include the following content:~~

~~(a) (a) Identifying information and emergency contacts;~~

~~(b) (b) Application for employment or resume;~~

~~(c) (c) Verification of credentials from professional regulatory boards in Ohio, if applicable, including either electronic verifications or copies of current professional licenses, certifications, or registration;~~

~~(d) (d) Documentation of education, experience and training;~~

~~(e) (e) Verification of references, if required for position;~~

~~(f) (f) Notification of hire, to include start date and position;~~

~~(g) (g) Job or position description, to include job title and:~~

~~(i) (i) Supervisor to whom the person holding this position is responsible.~~

~~(ii) (ii) Duties or responsibilities.~~

~~(iii) (iii) Minimum qualifications for the position (knowledge and skills).~~

~~(iv) (iv) Credentials and academic requirements, if applicable.~~

~~(v) (v) Positions supervised by person holding this position, if applicable~~

~~(h) (h) Compensation documentation, if applicable;~~

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- ~~(i) (i) For providers which provide alcohol and other drug services, documentation that the employee has reviewed and agreed to abide by the federal regulations on the confidentiality of alcohol and drug abuse patient records (Title 42, Code of Federal Regulations, part 2).~~
- ~~(j) (j) Performance evaluations;~~
- ~~(k) (k) Documentation of orientation;~~
- ~~(l) (l) Documentation to reflect that the employee has received a copy of the policies and procedures identified in paragraph (D)(7) of this rule and has agreed to abide by each of them;~~
- ~~(m) (m) Documentation of on-going training, as required by position, state law and agency policy;~~
- ~~(n) (n) Commendations or awards, if applicable; and~~
- ~~(o) (o) Disciplinary actions, if applicable.~~
- ~~(Q) (Q) The provider shall have policies and written procedures for handling cases of staff neglect and abuse of persons served, and documentation that each employee has received a copy of these policies and procedures.~~
- ~~(R) (R) The provider shall have a policy that appropriate disciplinary action, up to and including dismissal from employment, shall be taken regarding any employee misconduct or criminal conviction that bears a direct and substantial relationship to that employee's position.~~