

## **Protect Individuals Receiving Home- and Community-Based Services**

- The Kasich Administration and Ohio Attorney General have identified gaps and inconsistencies in statutes and regulations governing criminal background checks and disqualifying workers who have been convicted of specific crimes from providing Medicaid home- and community-based services.
- Offenders can use the gaps and inconsistencies in current statute as a defense against prosecution by the Ohio Attorney General's Office in cases involving wrong-doing in these programs.
- The Governor's Office of Health Transformation (OHT) convened the four state agencies that regulate home- and community-based services (Aging, Developmental Disabilities, Health and Job and Family Services), the Department of Rehabilitation and Corrections and the Attorney General's Office to address these issues. The team proposed the following changes, which are included in the Mid-Biennium Review (MBR) legislation:
  - Make disqualifying criminal convictions uniform statewide across programs;
  - Close gaps in the statute for disqualifying convictions based on the age of service recipients;
  - Eliminate gaps in disqualifying convictions related to attempted crimes; and
  - Require agency providers to check free, national databases, which in many cases will identify disqualified individuals and eliminate the need for additional, more expensive background checks.
- OHT and the four regulatory agencies are working to develop rules, under existing regulatory authority, to achieve greater consistency in background checks related to conditions under which people can work; post-hiring criminal background checks; and criminal background checks for people with out-of-state and federal convictions.
- The MBR language and subsequent changes to administrative rules will protect individuals receiving home- and community-based services from harm.