

Requesting the BCII and FBI Background Check

In September 2013 BCII disseminated lists of BCII reason codes and FBI reason codes.

Unfortunately, the memo caused confusion and many of you have contacted DODD requesting information on which reason code to use. In talking to you, DODD discovered providers were using a variety of reason codes when requesting BCII checks and FBI checks.

The purpose of this guidance is to (1) explain what reason codes are and (2) tell you which reason codes to use when requesting BCII or FBI background checks.

A. What are reason codes and why are they needed

1. BCII Reason Codes

A reason code is (1) the specific Ohio Revised Code statute that requires an applicant for employment or an employee to undergo a background check and (2) the specific Ohio Revised Code statute that authorizes BCII to conduct the background check of an applicant or an employee.

When an employer provides a reason code, it is asserting that a specific statute requires the applicant or an employee to undergo the background check in order to be employed (maintain employment) or receive certification.

Once BCII is given the reason code, it conducts the background check to see if an applicant or an employee has a conviction for any of the offenses listed in the statute that was supplied as the reason the applicant or employee is undergoing the check.

There are numerous statutes that require BCII to conduct background checks. It is important to use the correct reason code as failure to do so means BCII is not looking at the correct statute that authorizes it to conduct the background check on the applicant/employee. If the incorrect reason code is provided, BCII will be looking at the wrong list of offenses.

BCII is aware that the legislature has revised the statutes that require applicants and employees to have a background check and the list of reason codes it recently distributed needs to be revised.

R. C. 5126.28 and R. C. 5126.281 have been repealed. It intends to revise the name of reason code 5123.081 to be: "Employees of DODD and county boards of DD, and contracting DD" (which is the agency providers and ICFs, independent providers, agency CEOs). Unfortunately, BCII did not ask DODD before creating the reason code's name. But the name of the reason code is not important, as the reason code is the specific statute that authorizes the background check.

2. For FBI Background Checks Use

For the FBI check, the reason code that is to be used is NCPA/VCA for children, elderly and individuals with disabilities. It is our understanding that BCII is requesting that the FBI update its list of reason codes.

D. What if an agency provides services to individuals with DD as well as individuals in the aging system or some other system

R. C. 109.572(A)(3) states that when BCII is requested to conduct a record check pursuant to 173.27, 173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, the list of offenses for these statutes is the same. Therefore, if you are an agency that must comply with more of the statutes listed above, you may only use one reason code. Therefore you can use reason code 5123.081. However, you are also advised to confer with your legal counsel.

If you must comply with the background check requirements for another agency, such as the Department of Education, you will need to run separate background checks on the applicant/employee using two different reason codes to make sure that you are complying with the requirements of both statutes.

*Web-check system
Employees of County Board of MR/DD*

*5126.28
appears on
the actual
check*