

5123-5-07**Investigative agent certification standards.****(A) Purpose**

This rule establishes minimum qualifications through certification standards that apply to staff working in investigative agent positions at county boards of developmental disabilities and persons or employees of government entities under contract with a county board of developmental disabilities to provide investigative agent services.

**(B) Definitions**

For the purposes of this rule, the following definitions shall apply:

- (1) "Accredited college or university" means a college or university accredited by a national or regional association recognized by the secretary of the United States department of education or a foreign college or university of comparable standing.
- (2) "Continuing professional education" means department-approved training required for renewal of investigative agent certification. Training related to major unusual incidents or investigations, conducted by the department, the office of the attorney general, the Ohio peace officer training academy, a public children services agency, the Ohio department of health, the Ohio department of job and family services, the Ohio department of medicaid, a law enforcement agency, or an entity with statutory authority to conduct civil or criminal investigations, shall be considered continuing professional education. An investigative agent who develops and conducts training approved by the department for continuing professional education may receive double the credit toward renewal of his or her investigative agent certification, for up to a total of six hours during each year of the effective period of the certification.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means the Ohio department of developmental disabilities.
- (5) "Director" means the director of the Ohio department of developmental disabilities or his or her designee.
- (6) "Investigative agent" means an individual who conducts investigations pursuant to section 5126.313 of the Revised Code.
- (7) "Major unusual incident" has the same meaning as in rule 5123-17-02 of the Administrative Code.

(C) Description

There are two levels of investigative agent certification. A person who conducts investigations for one or more county boards pursuant to section 5126.313 of the Revised Code for one thousand forty or more hours per calendar year (i.e., at least .5 full-time equivalent) shall hold level one investigative agent certification. A person who conducts investigations for one or more county boards pursuant to section 5126.313 of the Revised Code on a part-time, interim, or intermittent basis for less than one thousand forty hours per calendar year may hold level two investigative agent certification.

(1) Level one investigative agent certification

(a) The department may issue initial level one investigative agent certification for a five-year period to an applicant who meets the following requirements:

(i) The applicant shall be at least eighteen years of age.

(ii) The applicant shall hold a high school diploma or general education development certificate.

(iii) The applicant shall:

(a) Hold a bachelor's degree or graduate-level degree from an accredited college or university; or

(b) Hold an associate's degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university and have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(c) Hold an associate's degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university and have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in administration, supervision, instruction, or habilitation of individuals with developmental disabilities; or

(d) Have successfully completed Ohio peace officer basic training or a comparable program and have successfully completed

two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations; or

(e) Have successfully completed four years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.

(iv) The applicant shall have submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that he or she meets the requirements set forth in this rule.

(b) The level one investigative agent shall successfully complete department-approved training in civil and criminal investigatory practices within the first year of his or her employment as an investigative agent. The investigative agent is not required to repeat this training as continuing professional education or if moving from a position that requires level one investigative agent certification to a position that requires level two investigative agent certification.

(c) The department may renew level one investigative agent certification for a five-year period for an applicant who has:

(i) Successfully completed fifty hours of continuing professional education subsequent to the effective date of the preceding level one investigative agent certification, of which at least ten hours shall be related to:

(a) Conducting investigations; and/or

(b) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.

(ii) Submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that he or she meets the requirements set forth in this rule.

(2) Level two investigative agent certification

(a) The department may issue initial level two investigative agent certification for a two-year period to an applicant who meets the following requirements:

(i) The applicant shall be at least eighteen years of age.

(ii) The applicant shall hold a high school diploma or general education development certificate.

(iii) The applicant shall:

(a) Hold an associate's degree from an accredited college or university or have achieved at least junior year standing at an accredited college or university; or

(b) Have successfully completed Ohio peace officer basic training or a comparable program; or

(c) Have successfully completed two years full-time (or part-time equivalent), supervised, paid work experience in conducting administrative, civil, and/or criminal investigations.

(iv) The applicant shall be employed by or under contract with a county board or a regional council of governments formed pursuant to section 5126.13 of the Revised Code by two or more county boards to conduct investigations pursuant to section 5126.313 of the Revised Code.

(b) The level two investigative agent shall successfully complete department-approved training in civil and criminal investigatory practices within the first year of his or her employment as an investigative agent. The investigative agent is not required to repeat this training as continuing professional education or if moving from a position that requires level two investigative agent certification to a position that requires level one investigative agent certification.

(c) The department may renew level two investigative agent certification for a two-year period for an applicant who has:

(i) Successfully completed twenty hours of continuing professional education subsequent to the effective date of the preceding level two investigative agent certification, of which at least four hours shall be related to:

(a) Conducting investigations; and/or

(b) Trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.

(ii) Submitted to the department in the format prescribed by the department, an application and supporting documentation sufficient to establish that he or she meets the requirements set forth in this rule.

(D) Professional grade investigative agent certifications issued prior to July 23, 2012

(1) Professional grade investigative agent certifications issued prior to July 23, 2012 shall remain in effect until their assigned expiration dates.

(2) A person holding valid professional grade investigative agent certification on July 23, 2012 shall be permitted to renew the professional grade investigative agent certification provided he or she has completed one hundred hours of continuing professional education subsequent to the effective date of the preceding investigative agent certification, of which at least twenty hours shall be related to conducting investigations and/or trauma informed care as the basis for interacting with individuals with developmental disabilities, families, guardians, direct support professionals, and others during the course of an investigation.

(E) Renewal of expired investigative agent certifications

(1) Level one investigative agent certifications and level two investigative agent certifications expired for less than one year may be renewed upon completion of all renewal requirements of the expired certification as specified in paragraph (C)(1)(c) or (C)(2)(c) of this rule, as applicable.

(2) Level one investigative agent certifications and level two investigative agent certifications expired for one or more years may be renewed upon completion of all renewal requirements of the expired certification as specified in paragraph (C)(1)(c) or (C)(2)(c) of this rule, as applicable, and completion of fifteen additional hours of continuing professional education.

(3) Expired professional grade investigative agent certifications may not be renewed; applicants shall be required to meet the requirements for, as applicable, level one investigative agent certification or level two investigative agent certification in accordance with this rule.

(F) Administrative review

An applicant for investigative agent certification whose application is disapproved based upon the applicant's failure to meet the requirements set forth in this rule, may request in writing, within thirty calendar days of the rejection, an administrative review by the director.

(G) Standards of conduct

- (1) An investigative agent shall, during the course of an investigation, act in a professional manner and treat all parties involved, including individuals with developmental disabilities, families, guardians, direct support professionals, and others, with courtesy and respect.
- (2) A superintendent of a county board or an executive director of a regional council of governments formed pursuant to section 5126.13 of the Revised Code by two or more county boards shall notify the department in writing within seventy-two hours if he or she becomes aware that a holder of or applicant for investigative agent certification:
  - (a) Is guilty of serious intemperate, immoral, or conduct unbecoming to his or her position or serious incompetence or negligence within the scope of his or her duties;
  - (b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code; or
  - (c) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(g) of rule 5123-2-02 of the Administrative Code.

(H) Denial, suspension, or revocation

- (1) The director shall deny, suspend, or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.
- (2) Except as provided in paragraph (H)(3) of this rule, the director shall deny or revoke investigative agent certification if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of investigative agent certification:

- (a) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(a) of rule 5123-2-02 of the Administrative Code;
  - (b) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(b) of rule 5123-2-02 of the Administrative Code if a period of ten years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;
  - (c) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(c) of rule 5123-2-02 of the Administrative Code if a period of seven years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;
  - (d) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the disqualifying offenses listed or described in paragraph (E)(1)(d) of rule 5123-2-02 of the Administrative Code if a period of five years has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;
  - (e) Has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for multiple disqualifying offenses if the applicable period of time in accordance with paragraph (E)(2) of rule 5123-2-02 of the Administrative Code has not elapsed from the date the applicant was fully discharged from imprisonment, probation, and parole;  
or
  - (f) Has been included in one or more of the databases described in paragraphs (C)(2)(a) to (C)(2)(f) of rule 5123-2-02 of the Administrative Code.
- (3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of investigative agent certification if the requirements contained in paragraph (F) of rule 5123-2-02 of the Administrative Code are met.

(4) An applicant for or holder of investigative agent certification shall disclose a conviction that has been sealed.



Replaces: 5123:2-5-07  
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CERTIFIED ELECTRONICALLY

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Certification

07/15/2019

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Date

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