



Ohio Administrative Code Rule 3701-75-04 Confidentiality statutes.

Effective: February 15, 2016

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency confidential and identify the confidential personal information within the scope of rules promulgated by this agency in accordance with section 1347.15 of the Revised Code:

- (A) Certain matters dealing with children with medical handicaps: section 3701.028 of the Revised Code.
- (B) Child fatality review: section 3701.045 of the Revised Code, rules 3701-67-04 and 3701-67-06 of the Administrative Code.
- (C) Protected health information: section 3701.17 of the Revised Code.
- (D) Information related to testing for the human immunodeficiency virus ("HIV"), acquired immunodeficiency syndrome ("AIDS"), and AIDS-related condition: section 3701.243 for the Revised Code.
- (E) Identifying quality-of-care data: section 3702.18 of the Revised Code.
- (F) Information related to an adoption: section 3705.12 of the Revised Code and rule 3701-5-12 of the Administrative Code.
- (G) Birth defects information: section 3705.32 of the Revised Code and rule 3701-57-04 of the Administrative Code.
- (H) Information for medical or health use only of a birth record: section 3705.23 of the Revised Code.



(I) Criminal record check related to hospice care workers: section 3712.09 of the Revised Code.

(J) The identity of or information that would tend to identify any patient or resident of a home, complainant, or any person who provided information regarding an investigation of a home: section 3721.031 of the Revised Code.

(K) Criminal record check related to long-term care workers: section 3721.121 of the Revised Code.

(L) The identity of or information that would tend to identify any complainant, or any person who provided information regarding an investigation of abuse, neglect, or misappropriation in a long-term care or residential care facility: section 3721.25 of the Revised Code.

(M) The identity of any person who makes a report of a violation related to an adult care facility: section 3722.17 of the Revised Code.

(N) Criminal record check related to an adult care facility worker: section 3722.151 of the Revised Code.

(O) Criminal background check of a home health agency worker: section 3701.881 of the Revised Code.

(P) The name of a complainant concerning any radon tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or an approved training course: section 3723.10 of the Revised Code.

(Q) The name of a complainant concerning a lead inspector, a lead abatement contractor, a lead risk assessor, a lead abatement project designer, a lead abatement worker, a clearance technician, a clinical laboratory, an environmental lead analytical laboratory, or a training course: section 3742.15 of the Revised Code.

(R) Information concerning lead that is reported and are medical records: section 3742.03 of the Revised Code.



(S) Information related to the "Help Me Grow" program as subject to the "Family Education Rights and Privacy Act": 20 U.S.C. 1232g, 45 C.F.R. part 99, subpart D, 20 U.S.C. 1400, et. seq., 34 C.F.R. 383.460, rule 3701-8-09 of the Administrative Code.

(T) Protected health information related to covered functions of the agency related to the "Health Insurance Portability and Accountability Act of 1996" ("HIPAA"): 42 U.S.C. 1302(a), 42 U.S.C. 1320d through 1320d-8, 45 C.F.R. parts 160 and 164.

(U) Applicant, participant, and vendor information related to the "Women, Infants, and Children ("WIC")" and "Farmer's Market" programs: 42 U.S.C. 1786, et seq., 7 C.F.R. 246.26.

(V) Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members created for "Family Medical Leave Act" ("FMLA") purposes: 29 CFR 825.500.

(W) Information obtained for purposes of the "American with Disabilities Act ("ADA"), as amended by ADA Amendments Act of 2008" or of the "Rehabilitation Act of 1973" regarding the medical condition or history of an applicant or employee: 29 CFR 1630.14.

(X) Certain data contained in the "Automated Survey Processing Environment" ("ASPEN") and "Automated Complaint/Incidents Tracking" ("ACTS") system of records for health care facilities certified for medicare or medicaid: 45 CFR Part 5b.

(Y) Information related to universal newborn hearing screening: section 3701.509 of Revised Code and rule 3701-40-09 of the Administrative Code.