



Ohio Administrative Code Rule 3701-8-08 Rights and privacy practices.

Effective: January 31, 2022

(A) Program participants have the following rights from the time of program referral throughout participation in home visiting services:

(1) To be informed of rights in the participant's native language, unless clearly not feasible to do so;

(2) To be fully informed of all information relevant to the activity for which written consent is sought before any service begins, to include:

(a) The administration of any assessment or screening tool;

(b) Any disclosure of service, permission, activities, or records to any requesting entity.

(3) To participate or decline to participate in home visiting services at any time and to be informed of how refusal to consent will affect the ability to receive services in the program;

(4) To revoke previously provided consents at any time;

(5) To request to review or receive a copy of the participant's record at any time during program participation and until six years past the date of receipt of payment and to either review the record or receive a copy of the record within ten days;

(6) To receive one electronic or paper copy of each completed family goal plan within ten days of request;

(7) To be fully informed of requests for personally identifiable information, to include purpose and time period of request; and to provide consent, before personally identifiable information would be shared, unless such disclosure is authorized under state and federal law;



(8) To file a complaint with the provider and with the department about program services in accordance with paragraph (B) of this rule.

(B) Providers shall provide printed materials and verbal communication informing every program participant how to file a complaint about the home visiting program, in accordance with this chapter.

(C) When a home visiting program participant files a complaint, the complaint must include the following to be sufficient:

(1) The name, address, and contact information of the program participant who is making the complaint;

(2) Complaint must be in writing and be signed by program participant;

(3) A statement describing how the department or home visiting provider has not met service expectations, or has violated a requirement of this rule;

(4) The facts on which the statement is based;

(5) The name of the home visitor and home visiting provider agency serving program participant at time of complaint;

(6) Complaint(s) must be submitted to the director within a period not to exceed sixty days from the date of the allegation.

(D) When the department receives a sufficient complaint as set forth in paragraph (C) of this rule, the department shall contact the caregiver and explain the options available for dispute resolution. The department shall investigate the complaint at no cost to the program participant. The investigation and a written decision shall be completed by the department within sixty days of receipt of a sufficient complaint.

(E) Providers shall ensure that program participants are informed, in writing, of their rights before



consent to participate is sought and at least annually thereafter for the duration of program participation.

(F) Providers shall ensure that program participants provide written consent in every applicable instance related to their services as required in paragraph (A) of this rule.

(G) Except when authorized by state or federal law, providers shall ensure that prior to releasing personally identifiable information to any individual or entity, that written consent is obtained utilizing a form approved by the director, which shall include:

(1) The individual, and when applicable, agency, to whom information will be given;

(2) The type of information that will be given;

(3) The intended purpose for sharing the information;

(4) An expiration date of the consent not to exceed one year; and

(5) A signature and date the form was signed.