



Ohio Administrative Code Rule 4731-8-05 Confidentiality statutes.

Effective: May 31, 2021

With regard to confidential personal information maintained by the board, the following federal statutes or regulations or state statutes and administrative rules make the personal information confidential:

- (A) Social security numbers of applicants, licensees, and board employees: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.
- (B) "Bureau of Criminal Investigation and Information" criminal records check results: section 4776.04 of the Revised Code.
- (C) Complaints, the names of complainants and patients, and information received in an investigation, including any medical records of the subject of the complaint: division (F) of section 4730.26, division (F) of section 4731.22, division (E) of section 4760.14, division (E) of section 4762.14, and division (E) of section 4774.14 of the Revised Code.
- (D) Medical malpractice payouts reported by a professional liability insurer: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (E) Formal disciplinary action reported by a health care facility: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (F) A belief that a violation of law has occurred when reported by a licensee or professional society of licensees: division (F) of section 4730.32, division (F) of section 4731.224, division (F) of section 4760.16, division (F) of section 4762.16, and division (F) of section 4774.16 of the Revised Code.
- (G) Medical records of board employees or their family members: "Family Medical Leave Act of



1993," Pub. L. No. 103-3; 29 U.S.C. Sec. 260 as implemented in 29 C.F.R. 825.500; Section I of the "Americans with Disabilities Act of 1990," 42 U.S.C. Sec. 12112(d).

(H) Employee assistance program records: section 124.88 of the Revised Code.

(I) Alcohol and drug treatment records: 42 CFR Part 2; 42 U.S.C. 290dd-3.

(J) "Federal Bureau of Investigation" criminal records check results: section 4776.04 of the Revised Code; 28 CFR 20.33(d).

(K) "National Practitioner Data Bank" and "Healthcare and Integrity Protection Data Bank" reports: 45 CFR Part 60.

(L) Residential and familial information for covered licensees: sections 149.43(A)(1)(p), 149.43(A)(7), and 149.43(A)(8) of the Revised Code.