

173-13-04

**Confidentiality statutes and ~~regulations~~ rules.**

The following ~~state~~ statutes and ~~administrative~~ rules and ~~federal~~ ~~statutes~~ and ~~regulations~~ make personal information maintained by ODA confidential:

Section 111.43 of the Revised Code for not treating addresses of participants in the safe at home program as public records.

Section 149.43 of the Revised Code for the general statute on public records.

Section 173.061 of the Revised Code for records that identify recipients of golden buckeye cards.

Section 173.22 of the Revised Code; and 42 U.S.C. 3027(a)(12)(C), 42 U.S.C. 3058g(a)(5)(D), 42 U.S.C. 3058d(a)(6)(C), 42 U.S.C. 3058g(d), and 42 U.S.C. 3058i(e)(2), each as reviewed on ~~March 30, 2015~~ September 8, 2016; 42 C.F.R. 1321.11 (~~October 1, 2014~~ edition as amended on June 3, 2016), for the collection, compilation, analysis, and dissemination of information by the office of the state long-term care ombudsman program.

Sections 173.27, 173.38, and 173.381 of the Revised Code for criminal records.

Division (B) of section 173.393 of the Revised Code for records obtained while monitoring certified providers.

Division (H) of section 1347.15 of the Revised Code for records in personal information systems, ~~generally~~.

Chapter 3798 of the Revised Code and 42 U.S.C. 1320d et. seq.; 45 C.F.R. 160, 162, and 164 (October 1, ~~2014~~ 2015 edition) for individually-identifiable health information (HIPAA).

42 U.S.C. 1396a(a)(7), as reviewed on ~~March 30, 2015~~ September 8, 2016; 42 C.F.R. 431.300 to 431.307 (October 1, ~~2014~~ 2015 edition); and rule 5160:1-1-51.1 of the Administrative Code for information on Medicaid applicants and recipients.

42 C.F.R. 460.112(f) (October 1, ~~2014~~ 2015 edition) for individually identifiable health information of participants who are enrolled in PACE.

45 C.F.R. 1321.51 (October 1, ~~2014~~ 2015 edition) for identifying information on older persons collected in the conduct of the state's responsibilities under the Older Americans Act, ~~generally~~.

Effective: 01/01/2017

Five Year Review (FYR) Dates: 09/19/2016 and 01/01/2022

CERTIFIED ELECTRONICALLY

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Certification

11/28/2016

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 1347.15  
Rule Amplifies: 1347.15  
Prior Effective Dates: 08/30/2010, 12/19/2013, 07/01/2015