

**Confidentiality:****Federal Statutes and Regulations and  
State Statutes and Administrative Rules****A. GENERAL****1. TAX RETURN INFORMATION**

26 USC 6103- (1/2/13)

26 USC 7213- (1/2/13)

26 USC 7431- (8/17/06)

42 USC 664- 9/29/14)

~~26 USC 6103~~

OAC rule 5101:9-9-25

**2. SOCIAL SECURITY NUMBERS**

5 USC 552- (10/28/09)

5 USC 522a(e) (Privacy Act of 1974)

7 USC 2011 to 2029, 2031, 2032, and 2034 to 2036- (as in effect on 1/1/16)

Social Security Act section 1137(a)- (as in effect on 1/1/16)

42 CFR 435.910- (3/23/12)

OAC rules 5101:1-1-03 and 5101:1-3-09

29 USC ~~2871(f)~~ 3141 (i)(3) (Workforce Investment Innovation and Opportunity Act (~~WIA~~WIOA))- (As in effect on 1/1/16)

20 USC 1232g (Family Education Educational Rights and Privacy Act of 1974 (FERPA))- (11/2/94)

42 USC 405(c)- (4/16/15)

20 CFR 603.7- (9/27/06)

RC 149.45

RC 5101.181

RC 5101.182

RC 1347.12

~~OAC rule 5101:1-1-03~~

**B. MEDICAL****1. OHIO HEALTH PLANS, including Medicaid, Disability Medical Assistance, CHIP I and II, and Refugee Medical Assistance****Federal Statutes and Regulations:**

42 USC 1320d- (As in effect on 1/1/16)

42 USC 1396a(a)(5)- (4/1/14)

~~42 USCA-USC~~ 1396r-8(b)(3)(D)- (4/1/14)

Social Security Act (SSA) section 1902(a)(7)- (As in effect on 1/1/16)

42 CFR 2.1- (As in effect on 1/1/16)

42 CFR 431.10- (7/15/13)

42 CFR 431.300- (3/23/12)

42 CFR 431.302- (As in effect on 1/1/16)

42 CFR 431.305- (3/23/12)

42 CFR 431.306- (3/23/12)

42 CFR 435.904- (9/23/94)

42 CFR 435.945- 3/23/12

42 CFR 483.315(i)- (8/11/09)

45 CFR 95.621- (10/28/10)

45 CFR 160 subparts A, B, and C- (As in effect on 1/1/16)

45 CFR part 164, subparts A, C, and E (HIPAA)- (As in effect on 1/1/16)

**State Statutes and Administrative Rules:**

RC 109.85

RC 173.20

RC 173.22

RC 339.81

RC 2305.24 and 2305.251

RC 3701.741

RC 3701.243

RC 3701.028

RC 3701.75

RC 4123.27

~~RC 5101.26~~ 5160.01

RC 5101.27

~~RC 5101.271~~ 5160.45

~~RC 5101.31~~ 5164.756

~~RC 5101.572~~ 5160.39

~~RC 5111.01~~ 5162.03

~~RC 5111.013(B)(1)~~ 5163.40

~~RC 5111.033(E)~~ 5164.342

~~RC 5111.034(F)~~ 5164.341

~~RC 5111.61~~ 5165.88

RC 5302.221

OAC rule ~~5101:1-37-01.1~~ 5160:1-1-51.1

OAC rule ~~5101:1-38-05(L)~~ 5160-14-09

~~OAC rule 5101:1-39-06~~

OAC rule ~~5101:3-1-08(D)~~ 5160-1-08(L)

OAC rule ~~5101:3-26-08.2(B)(7)~~ 5160-26-08(D)(4)

~~OAC rule 5101:3-40-01~~

OAC rules ~~5101:3-45-07 and 5101:3-45-08~~ 5160-45-07(D)(9) and 5160-45-08(D)(5)

OAC rule 5101:6-50-07

OAC rule 5101:9-22-15

## ~~2. HIPAA: Health Insurance Portability and Accountability~~

### ~~Act of 1996 (45 CFR Parts 160 and 164)~~

HIPAA is a federal law addressing many issues in the area of medical services. One portion of the Act addresses the privacy of certain medical, eligibility and claims information (protected health information). The final privacy regulations for HIPAA

were implemented by ODJFS prior to the April 14, 2003 federally required implementation date. ODJFS is considered a "covered entity" as a Health Plan for the Medicaid program, the Disability Medical Assistance (DMA) program, the Children Health Insurance Programs (CHIP) and the Refugee Medical Program (RMP). Essentially, HIPAA restricts the release of Protected Health Information (PHI) possessed by covered entities including ODJFS to third parties and requires covered entities under most circumstances to release PHI to the subject of the PHI or his/her guardian upon request.

HIPAA assesses criminal and civil penalties for failure to protect PHI from improper release and civil penalties for failure to release PHI to the subject of the PHI or guardian of the subject of the PHI. HIPAA also precludes release of PHI to third parties without an authorization signed by the subject or the subject's guardian unless release is allowed pursuant to exceptions set out in the regulations. The regulations set out an extensive procedure for documentation of certain types of release requests and responses; requires that privacy notices be provided to all participants in each health plan; require a privacy official be designated; require that a complaint, accounting for release and a restriction request procedure be set up by the Health Plan; and requires training for all employees of the Health Plan in relation to privacy policies.

Each state must include in all contracts, a documented process to report breach of privacy or security of PHI. Notification of a breach should be immediately reported by the contractor to state staff, who in turn must report it immediately to the CMS Director of Division of State Systems.

By statute and rule, ODJFS is requiring each CDJFS to comply with certain portions of the HIPAA privacy requirements since these agencies have access to eligibility

information (PHI) for the medical programs cited above. It should be noted that HIPAA is preempted by any federal or state law that has more restrictive privacy requirements. The Medicaid federal regulations and state law are more restrictive towards release of Medicaid PHI than HIPAA. ODJFS has brought CHIPS I and II, DMA and RMP under the same restrictions as Medicaid through a change in RC 5101.27 and the enactment of RC 5101.271.

The federal government also published the final HIPAA security regulations. These regulations apply only to the electronic transmission of PHI but also affect privacy. Implementation of these regulations by ODJFS affected several of ODJFS's statewide automated systems. Deadline for implementation of the HIPAA security regulations by ODJFS was April 21, 2005.

A summary of all the HIPAA privacy regulations and links to the actual regulations is at <http://hipaa.ohio.gov/privacyrule/guideindex.htm>. Also relevant are 42 USC 1320d; 45 CFR 164, subparts A and E; and Public Law 104-191. Specifically, 45 CFR 164.530(J)(1) requires a 6-year record retention period.

**C. TEMPORARY ASSISTANCE to NEEDY FAMILIES (TANF)/CASH ASSISTANCE  
(Ohio Works First, Refugee Cash Assistance, Disability Financial  
Assistance, and Prevention, Retention, and Contingency)**

**Federal Statutes and Regulations:**

42 USC 602(a)(1)(A)(iv)- ([2/22/12](#))

42 USC 608(a)(9)(B)- ([2/22/12](#))

45 CFR 205.50- ([11/13/96](#))

**State Statutes and Administrative Rules:**

RC 307.983

RC 307.987

RC 4123.27

RC 5101.181

RC 5101.182

RC 5101.26

RC 5101.27

~~RC 5101.271~~ – 5101.272

RC 5101.28

RC 5101.30

RC 5101.80

OAC rule 5101:1-1-03

OAC rule 5101:1-1-36(G)

OAC rule 5101:1-3-10

OAC rule 5101:9-22-15

#### D. FOOD ASSISTANCE

##### **Federal Statutes and Regulations:**

7 USC 2020(e)(8)- (2/7/14)

7 CFR 272.1(c)- (As in effect on 1/1/16)

7 CFR 273.2- (As in effect on 1/1/16)

##### **State Statutes and Administrative Rules:**

RC 2913.46

RC 5101.26

RC 5101.27

~~RC 5101.271~~ – 5101.272

OAC rule 5101:4-1-13(A)~~(8)~~ (7)

OAC rule 5101:4-2-09~~(K)~~ (l)(2)

OAC rule 5101:4-3-08

OAC rule 5101:4-3-22(~~F~~) (G)

OAC rule 5101:4-7-09(~~H~~)

OAC rule 5101:4-8-30(R)

OAC rule 5101:9-22-15

## E. CHILD WELFARE AND CHILD DAY CARE

### Federal Statutes and Regulations:

42 USC 671(a)(8)- (9/29/14)

42 USC 5106a(b)(2)(A)(viii)- (12/20/10)

42 USC 5106a(b)(2)(A)(x)- (12/20/10)

42 USC 5106a(c)(4)(B)(i)- (12/20/10)

42 USC 5106a(c)(5)(A)- (12/20/10)

42 USC 5106a(c)(6)- (12/20/10)

~~45 CFR 1340.14(i)~~

45 CFR 1355.21- (1/6/12)

45 CFR 1355.30(p)(3)- (1/6/12)

45 CFR 205.50- (11/13/96)

### State Statutes and Administrative Rules:

RC 109.57(H)

RC 109.5721

RC 121.37(A)(2)(c)

RC 149.43(A)(1)(d)

RC 149.43 (A)(1)(e)

RC 149.43(A)(1)(f)

RC 307.627

RC 307.628

RC 1347.08(E)(2) and (F)(2)

RC 2151.141

RC 2151.142

RC 2151.421

RC 2151.423

RC 2151.86

RC 3107.063 and 3107.17

~~RC 3107.42~~

RC 3109.051(H)

RC 3705.09(G)

RC 3705.12

RC 3705.23

RC 5101.13 to 5101.134

RC 5101.27

RC 5101.29

RC 5101.80(E)

~~RC 5104.011(B)(7)~~

~~RC 5104.011(C)(2)~~

~~RC 5104.012(A) and (D)~~

RC 5104.013(A) and (F)

RC 5104.038

RC 5153.111(A) and (D)

RC 5153.17

RC 5153.171

RC 5153.172

RC 5153.173

~~OAC rule 5101:2-5-09.1(M)~~

OAC rule 5101:2-7-04

OAC rule 5101:2-12-08(C) and (G)

~~OAC rule 5101:2-12-32~~

OAC rule 5101:2-13-08(C) and (G)

OAC rule 5101:2-13-26(H)

~~OAC rule 5101:2-13-32~~

OAC rule 5101:2-13-37(C)

OAC rule 5101:2-14-03(C) and (D)

~~OAC rule 5101:2-14-11(D), (E), (P), and (T)~~

~~OAC rule 5101:2-14-26(D)~~

~~OAC rule 5101:2-14-62~~

OAC rule 5101:2-20-04

OAC rule 5101:2-33-21

~~OAC rule 5101:2-33-22~~

OAC rule 5101:2-33-28

OAC rule 5101:2-36-03

OAC rule 5101:2-36-04

OAC rule 5101:2-42-90

OAC rule 5101:2-48-19

OAC rule 5101:2-48-20

OAC rule 5101:2-48-21

OAC rule 5101:2-48-22

OAC rule 5101:2-48-23

OAC rule 5101:6-50-07

OAC rule 5101:9-22-15

## F. CHILD SUPPORT

### Federal Statutes and Regulations:

42 USC 653- (9/29/14)

42 USC 654(26)- (9/24/14)

42 USC 654 ~~part D, paragraph (26) a(d)~~- (9/29/14)

45 CFR 235.70- (3/4/91)

45 CFR 303.15- (5/12/03)

45 CFR 303.21- (As in effect on 1/1/16)

45 CFR 303.30- (2/9/99)

45 CFR 303.69- (As in effect on 1/1/16)

45 CFR 303.70- (12/29/10)

45 CFR 307.13- (12/29/10)

**State Statutes and Administrative Rules:**

RC 149.43 (A)(1)(e)

RC 149.43(A)(1)(o)

RC 3107.063

RC 3121.76

RC 3121.84

~~RC 3121.89 to 3121.8911~~

RC 3121.898

RC 3121.899

RC 3123.89

RC 3123.92

RC 3123.93

RC 3123.95

RC 3123.954

RC 3125.08

RC 3125.16

RC 3125.49

RC 3125.50

OAC rule 5101:1-1-03

~~OAC rule 5101:1-37-01.1~~

OAC rule 5101:9-22-15

OAC rule 5101:12-1-20

OAC rule 5101:12-1-20.1

OAC rule 5101:12-1-20.2

OAC rule 5101:12-10-90(C)

OAC rule 12-20-10

OAC rules 5101:12-50-65 and 5101:12-50-65.1

OAC rule 5101:12-55-10(E)

## **G. ADULT SERVICES**

### **State Statutes and Administrative Rules:**

~~RC 3722.15~~

RC 5101.61(F)

OAC rule 5101:2-20-04

## **H. REFUGEE ASSISTANCE**

### **State Administrative Rules:**

OAC rule 5101:1-1-03

~~OAC rule 5101:1-2-40.2(D)(4)~~

## **I. TITLE XX**

### **State Statutes:**

RC 5101.46(D)

**J. UNEMPLOYMENT COMPENSATION BENEFITS, TAX,  
AND WAGE RECORDS**

**Federal Statutes and Regulations:**

29 USC 49b (b)- (7/22/14)

42 USC 503(a)(1) and (8)- (12/26/13)

42 USC 1320b - 7(a)(5) and (a)(6)- (11/5/90)

20 CFR 603.2- (As in effect on 1/1/16)

20 CFR 603.3- (As in effect on 1/1/16)

20 CFR 603.5- (As in effect on 1/1/16)

20 CFR 603.7- (As in effect on 1/1/16)

20 CFR 609.13- (6/21/06)

20 CFR 614.14- (As in effect on 1/1/16)

20 CFR 617.57- (As in effect on 1/1/16)

**State Statutes and Administrative Rules:**

RC 4141.162

RC 4141.21

RC 4141.22

RC 4141.43

OAC rule 4141-43-01

OAC rule 4141-43-02

OAC rule 4141-43-03

**K. WORKFORCE DEVELOPMENT**

**1. THE WORKFORCE ~~INVESTMENT~~ INNOVATION AND OPPORTUNITY ACT (~~WIA~~) (WIOA)**

20 USCA 9274

29 USC ~~2871(f)(3)~~ 3141(i)(3) - (As in effect on 1/1/16)29 USC ~~2935~~ 3245(a)(4)- (As in effect on 1/1/16)29 USC 3341- (As in effect on 1/1/16)20 CFR 603.7- (As in effect on 1/1/16)29 CFR 37.37- (As in effect on 1/1/16)34 CFR 99.30(a)- (4/21/04)

RC 307.983

OAC rule 4141-43-01

OAC rule 4141-43-02

Workforce Investment Innovation and Opportunity Act (~~WIA~~) (WIOA) sections ~~136(f)(2) and (f)(3)~~ section 116(i)- (As in effect on 1/1/16)

**2. LABOR MARKET INFORMATION**

Information maintained or furnished to the director of ODJFS under RC Chapter 4141. as Labor Market Information (LMI) is governed by the same laws and regulations that govern the underlying confidential information. The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002, Privacy Act, and Trade Secrets Act all apply to LMI.

**3. EMPLOYMENT SERVICES****(INCLUDING WAGNER - PEYSER)****Federal Regulations:**20 CFR 658.413- (1/5/82)**State Statutes and Administrative Rules:**

RC 4141.21

RC 4141.43

OAC rule 4141-43-01

## L. STATE HEARINGS

### Federal Regulations:

7 CFR 273.15- (11/21/00)

45 CFR 205.10(a)(19)- (7/9/92)

### State Administrative Rules:

~~OAC rule 5101:9-22-15~~

OAC rule 5101:6-5-01(E) and (F)

OAC rule 5101:6-7-01(G)

OAC rule 5101:6-8-01(K)

OAC rule 5101:6-20-16(H)

OAC rule 5101:6-50-07

OAC rule 5101:9-22-15

## M. MISCELLANEOUS

### Federal Regulations:

29 CFR 825.500(g)- (As in effect on 1/1/16)

29 CFR 1630.14(c) and (d)- (As in effect on 1/1/16)

### State Statutes and Administrative Rules:

RC 9.01

RC 9.312

RC 102.03(B)

RC 124.88

RC 131.02 and 131.022

RC 145.27

RC 149.431

RC 149.433

RC 1306.23

RC 1333.61

RC 1347.12

~~RC 3701.041~~

RC 3701.74

RC 4701.19

OAC rule 5101:9-9-38

**PENALTIES FOR  
WRONGFUL WITHHOLDING OR DISCLOSURE**

**Federal Statutes:**

5 USC 552a(g) ~~(1)~~ – (10/28/09)

~~5 USC 552a(B)(3)(A) to 552a(g)(3)(A)~~

5 USC 552(a)(4)(B)- (10/28/09)

42 USC 1320d-5- (11/5/90)

42 USC 1320d-6- (11/5/90)

42 USC 5106a(c)(4)(B)(ii)- (12/20/10)

**State Statutes and Administrative Rules:**

RC 149.43(C)

RC 173.99

RC 307.629(C)

RC 1347.10

RC 1347.15(G) and (H)

RC 1347.99

RC 1349.192

RC 2151.99

RC 2921.14

~~RC 3107.43~~

RC 3107.99

RC 3121.99

RC 3125.99

RC 3701.244

RC 4141.22

RC 4141.99

RC 5101.181 and 5101.182

RC 5101.28(D)

RC 5101.99

RC 5160.99

OAC rule 4141-43-01