



## Ohio Administrative Code

### Rule 4723-1-09 Valid reasons for accessing confidential personal information.

Effective: February 1, 2013

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Based on the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only authorized employees of the board or board members may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or a computer system.

(A) Performing the following functions constitute valid reasons for authorized employees or members of the board to access confidential personal information:

(1) Responding to a public records request;

(2) Responding to a request from an individual for the list of CPI the board maintains on that individual;

(3) Administering a constitutional provision or duty;

(4) Administering a statutory provision or duty;

(5) Administering an administrative provision or duty;

(6) Complying with any state or federal program requirements;

(7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;

(8) Auditing purposes;

(9) Licensure, certification, or temporary permit processing, including application review, filing or



verification processes;

(10) Investigation or law enforcement purposes;

(11) Administrative hearings;

(12) Litigation, complying with an order of the court, or subpoena;

(13) Human resource matters, including hiring, promotion, demotion, discharge, salary or compensation issues, processing leave requests or issues, time card approvals or issues, and payroll processing;

(14) Complying with an executive order or policy;

(15) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or

(16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:

(1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapter 4723. of the Revised Code or Chapters 4723-1 to 4723-27 of the Administrative Code that may result in licensure or certification discipline.

Authorized employees and board members may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by federal and state law.



(2) Authorized employees and board members may review CPI of individuals who are participants in the alternative program for chemical dependency, the practice intervention and improvement program, or who are being monitored by the board according to a board order or consent agreement, for purposes of monitoring and determining compliance with the terms and conditions of the program, order or agreement.

(3) Authorized employees and board members may review CPI of students enrolled in, or administrative, faculty, or instructional personnel employed by, nursing education or training programs, for the purpose of conducting survey visits and approving or re-approving of those programs.

(4) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a nursing license, certificate of authority, certificate of prescriptive authority, dialysis technician certificate, medication aide certificate, community health worker certificate, or any other license, certificate or temporary permit issued by the board, for purposes of verifying licensure or certification, processing licensure or certification applications, determining eligibility for licensure or certification, or performing financial transactions and reporting related to applicant and credential processing.

(5) Authorized employees may review CPI of persons who hold, or are applying for, nurse education grant program funds for purposes of determining grant eligibility or compliance with the terms and conditions of grant awards.