AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #540440

Ohio Administrative Code

Rule 4731-8-05 Confidentiality statutes.

Effective: October 31, 2026

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, division (A)(1)(dd) of section 149.43, and section 149.45 of the Revised Code, 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 (B) of section 4759.05, division (E) of section 4760.14, division (E) of section 4761.03, division (E) of section 4762.14, division (E) of section 4772.21, division (E) of section 4774.14, and division (E) of section 4778.18 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, division (F) of section 4772.23, and division (F) of section 4774.16 of the Revised Code.

(E) Formal disciplinary action reported by a health care facility: division (B) of section 4730.32, division (B) of section 4731.224, division (B) of section 4759.14, division (B) of section 4760.16, division (B) of section 4761.14, division (B) of section 4762.16, division (B) of 4772.23, division (B) of section 4774.16 and division (B) of section 4778.171 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 (C) of section 4730.32, division (C) of section 4731.224, division (B) of section 4759.14, division (C) of section 4760.16, division (C) of section 4761.14, division (C) of section 4762.16, division (C) of section 4772.23, division (C) of section 4774.16, and division (B) of section 4778.171 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.

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(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: divisions (A)(1)(p), (A)(7), and (A)(8) of section 149.43 of the Revised Code.

(M) Personal information including an individual's state or federal tax identification number; individual's driver's license number or state identification number; individual's checking account number, savings account number, credit card number, or debit card number and individual's demand deposit account number, money market account number, mutual fund account number or any other financial or medical account number: division (A) of section 149.45 and division (A)(1)(dd) of section 149.43 of the Revised Code.

(N) License or certificate application or renewal responses and supporting documentation submitted to the board regarding an applicant's or a license or certificate holder's inability to practice according to acceptable and prevailing standards of care by reason of a medical condition: division (A)(1)(xx) of section 149.43 of the Revised Code.