



## Ohio Administrative Code

### Rule 4757-11-03 Internal records management to maintain confidentiality.

Effective: September 3, 2018

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(A) All investigatory records are considered confidential and access to these records is strictly on a need-to-know basis. Access to these records is open to the investigation unit staff, the compliance coordinator, board members, the board's designated representative from the Ohio attorney general, and the board's executive director. Other staff of the board do not have access to the investigation records without the prior approval of the executive director, a board member, or the deputy director. There are occasions when investigation records will need to be viewed by expert witnesses, board-approved compliance monitors or hearing officers. These individuals shall be pre-approved by the board's executive director or deputy director before access is permitted.

(B) All investigation files shall be securely maintained in physical or electronic media.

(C) While investigation records are strictly confidential, records received by the board that present evidence of criminal activity may be turned over to the appropriate law enforcement agency.

(D) If investigatory records are to be released to another Ohio state agency or to an agency of another state, that entity shall sign an agreement that those records will remain confidential and not releasable. This agreement shall be signed before any records are released to the entity.

(E) Any and all records obtained in the course of an official investigation shall not be subject to subpoena provided, however, the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

(F) If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his/her capacity as a licensee shall be admissible at any hearing held to determine whether a violation of this chapter has occurred. Documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.