

Sub. H. B. No. 96
As Passed by the Senate
MHACD8

_____ moved to amend as follows:

After line 114356, insert:

"(C) (1) With respect to complaints received by the department or a contractor of the department, information and records received, collected, or generated by the department or a contractor pursuant to an investigation, and reports that are made under division (B) of this section, all of the following apply to those items, subject to division (C) (2) of this section:

(a) The items are confidential and not public records under section 149.43 of the Revised Code.

(b) The items are exempt from the provisions of Chapter 1347. of the Revised Code.

(c) The items are not subject to discovery in any civil action.

(2) (a) The items described in division (C) (1) of this section shall be disclosed if required by law.

(b) The items described in division (C) (1) of this section may be disclosed to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents.

(c) The items described in division (C)(1) of this section may be 18
admitted into evidence in a criminal trial in accordance with the Rules of 19
Evidence, or in an administrative hearing conducted by an agency, but the 20
court or agency shall require that appropriate measures be taken to ensure 21
that confidentiality is maintained with respect to any part thereof that 22
contains names or other identifying information about residents, 23
complainants, or others whose confidentiality was protected by the 24
department or its contractor when the items were in the possession of the 25
department or contractor. Measures to ensure confidentiality that may be 26
taken by the court or agency include sealing its records or redacting 27
specific information from its records. 28

(d) The items described in division (C)(1) of this section may be 29
included in the registry established and maintained under section 5119.394 30
of the Revised Code, but the department shall make its best effort to do 31
so in a manner that protects the confidentiality of complainants, 32
individuals or organizations providing information about a complaint, and 33
recovery housing residents. The department may refer to any of the 34
foregoing in the registry as long as it removes personally identifying 35
information or uses any other technique it considers appropriate to 36
maintain confidentiality." 37

In line 114361, strike through "For" and insert: 38

"(B) For" 39

In line 114362, after "following" insert ", subject to the" 40
confidentiality requirements of division (C) of section 5119.393 of the 41
Revise Code" 42

In line 114373, strike through "(B)" and insert "(C)" 43

In line 114380, strike through "(C)" and insert "(D)" 44

The motion was _____ agreed to.

SYNOPSIS

**Recovery housing residences - confidentiality of
investigative materials**

R.C. 5119.393 and 5119.394

Restores, as follows, Executive provisions that were
maintained by the House but removed by the Senate:

- Establishes confidentiality requirements regarding
complaints and information received or generated by DBH or its
contractors in the investigation of complaints involving
recovery housing residences.

- Allows for disclosure of complaint information in
identified circumstances, including (1) when required by law,
(2) when shared with other regulatory agencies or officers, (3)
when admitted into evidence in a criminal trial or
administrative hearing if appropriate measures are taken to
ensure confidentiality, and (4) when included by reference as
part of DBH's registry of recovery housing residences, as long
as DBH makes its best effort to protect confidentiality.