

## **Rules Pending Review – September 2014 – March 2015**

### **Five-Year Rule Review**

In accordance with the Periodic Review of Rules requirement, the OPP Board will be processing two chapters of its Administrative Rules series for review.

#### **CONFIDENTIAL PERSONAL INFORMATION RULES – OAC 4779-13**

Except for *one rule that requires an amendment to correct a typographical error* in the original rule promulgation, we are proposing to process [OAC Rules 4779-13-01 through 13-05](#) as NO CHANGE rules. This rule series imposes administrative requirements on the Board and its staff to comply with [Revised Code Section 1347.15](#) regarding access to Confidential Personal Information within the Board's records and record systems. These rules present no adverse impact on businesses.

#### **ADMINISTRATIVE HEARING RULES – OAC 4779-11**

In addition, we are proposing to RESCIND entirely and not replace [OAC Rules Chapter 4779-11](#) (13 rules). The series sets forth procedural requirements for administrative hearings held by the Board.

The rule series was developed and adopted in 2003 based on advice from the Office of the Attorney General of Ohio. Administrative law procedural requirements are subject to change based on legislative enactment and case law development. Based on current advice from the Office of the Attorney General of Ohio, Health and Human Services Section, the rules are suggested as appropriate to RESCIND as no longer timely, relevant or complete; and to the extent they reference procedural requirements beyond the Board's enabling statute, they can also be seen as exceeding the Board's authority.

Rescission of the rules presents no adverse impact to businesses, as any business engaged in an administrative hearing process before this Board would be subject to the procedural requirements established under Ohio law that are not within the purview of this agency. Maintaining the rules might present an adverse impact on business if the rules were relied upon as authoritative but were found not to be conforming to current legal requirements.

#### **WHAT DO YOU THINK?**

Provide feedback regarding these rules or this process. We want to hear from you. [Email the board using this link](#), or download and send by mail or fax a [Stakeholder Response Form](#).