

ACTION:  
EMERGENCY

DATE: 09/12/2002  
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173-6-06

**Applicant Information and mailings.**

(A) Use by department - The department of aging may maintain a database of information obtained from cardholders.

(1) Use and restrictions - Cardholder names and addresses in the database may be used only for the purpose of informing the cardholders of programs or information generated by the department, other governmental agencies, or non-profit entities who have been approved by the department. Cardholder information provided by the department to others may not be utilized or maintained for any purpose other than that for which it was intended by the department.

(2) Directories - The department may produce directories of all or industry-specific merchants/service providers that honor the golden buckeye card or provide special programs or services to cardholders. The department may produce directories in partnership with for-profit organizations that are willing to pay all, or offset a major portion, of the expenses of producing such directories. The department may direct-mail directories to cardholders or may make them available through other means.

(B) Use by administrators - An administrator may maintain a database of information obtained from cardholders.

(1) In order to maintain a database of information obtained from cardholders, the administrator must:

(a) Make available to cardholders a description of the administrator's practices and policies regarding the sharing and sale of cardholder information;

(b) Provide cardholders with clearly written and prominently placed statements of its information collection and sharing practices;

(c) Provide cardholders with clearly written explanations describing how participating cardholders can assert their opt-in rights as well as as a explanation how the cardholder can rescind a decision to opt-in.

(2) Unless an administrator has a cardholder's express written consent, no administrator shall sell or permit usage by others of any information concerning a cardholder who participates in the prescription drug program, other than aggregate information that does not identify the cardholder.

- (3) Unless an administrator has a cardholder's express written consent, no administrator shall use any personally identifiable information that it obtains concerning a cardholder through the prescription drug program to promote or sell a program or product offered by the administrator or pharmaceutical company that is not related to the administration of the prescription drug program. This prohibition does not prohibit an administrator from contacting cardholders concerning their participation in, or the administrator's administration of, the approved administrator's prescription drug program, including but not limited to, mailing a list of participating pharmacies in the prescription drug program.
- (C) Records identifying cardholders are not public records subject to inspection or copying under section 149.43 of the Revised Code and may be disclosed only at the discretion of the director of the department of aging. The director of the department of aging may not disclose any records that identify a cardholder's medical or prescription drug history.

Effective: 9/12/2002

CERTIFIED ELECTRONICALLY

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Certification

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Date

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