

88th House District
Seneca and Sandusky County



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Ways and Means
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Gary Click
State Representative

Chair Huffman, Vice Chair Johnson, Ranking Member Liston, and Members of the Senate Health Committee, thank you for the opportunity to provide Sponsor Testimony on HB 162- "My Child, My Chart".

I have been informed by parents from my district and around the state that their medical service providers have required their children as young as twelve to consent before allowing these parents to access their child's online medical records.

I have been approached by parents who are stunned and even outraged that they are unable to access their children's online medical records without a signature from their child granting them access. Parents are the guardians of their children, the authority in their homes, and the ones who love them the most. They are simply flabbergasted to discover that they need their child's permission to see their medical records online and rightfully so.

It is worth noting that no such requirement is necessary to obtain access to hard copies of their children's medical records.

This disparity is not some sort of nefarious conspiracy but rather the result of a combination of factors influenced by both federal and state laws that are simply complicated by a lack of technological innovation that can be easily resolved if properly motivated. The fix is simple once the problem is understood.

Charting software does not segregate the records based on what the patient may see from what individuals with proxy access, such as a parent, may see. Anyone with access has full access to everything available online. This results in an all or nothing outcome for parents.

According to HIPPA law, however, parents only have access to information related to procedures that require their consent. Ohio law does not require parents to provide consent for eight procedures:

1. Donating blood,
2. Emergency medical care for sexual abuse victims,

3. Testing for HIV,
4. Venereal disease diagnosis and treatment,
5. Drug and alcohol abuse diagnosis and treatment,
6. Medical care for minors prosecuted as adults who are confined to state correctional institutions,
7. Certain outpatient mental health services for minors between the ages of 14-17,
8. Obtaining an abortion without parental notification through a judicial process.

Because parents do not have a right to medical information regarding these eight procedures, they are denied online access to all medical information until their child consents.

House Bill 162 does not change a child's access to any of these eight procedures. Nor does it require parental access to records pertaining to these procedures. House Bill 162 will require medical providers to annually certify to parents' which procedures their children may obtain without their consent. At that time, children may or may not grant permission for parents to have full access.

These conversations are already taking place to a lesser degree when parents demand access to their children's records. However, there is no consistent process in place to ensure that parents are aware of the law. This bill intends to inform parents and facilitate conversations. Parents have a right to know what they do not have a right to know. Ideally, this knowledge will spark healthy conversations between parents and their children regarding their healthcare choices.

Should this bill become law, children will still be required to approve access but only for these specific procedures and parents will know why. Parents will be equipped with more complete information. Families will undoubtedly arrive at varying degrees of decision-making, but they will all be informed.

We have received input from stakeholders such as the Children's Hospitals and made appropriate changes to this legislation specifying that this only applies to providers who see patients for ongoing care rather than one-off situations such as emergency room visits. Additionally, we removed requirements to bifurcate the records based on what a parent does and does not have access to.

House Bill 162 passed both the House Health Committee (10-2) and on the floor (87-6) with strong bipartisan support. I am hopeful to find the same favor here in the Upper Chamber.



Thank you for your kind attention. I am happy to answer your questions.

Respectfully Submitted,
State Representative Gary Click
District 88