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Am. H. B. No. 162

Representative Click

Cosponsors: Representatives King, Williams, Gross, Fowler Arthur, John, Bird, Pizzulli, Dean, Klopfenstein, Odioso, Schmidt, Miller, M., Abrams, Barhorst, Brennan, Claggett, Creech, Deeter, Dovilla, Fischer, Ghanbari, Hall, T., Hiner, Hoops, Kishman, LaRe, Lear, Lorenz, Mathews, A., Mathews, T., McClain, Miller, K., Newman, Plummer, Richardson, Robb Blasdel, Sigrist, Swearingen, Willis, Workman, Young

A BILL

To enact section 3798.05 of the Revised Code	1
related to medical records of minors and to name	2
the act the My Child-My Chart Act.	3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3798.05 of the Revised Code be	4
enacted to read as follows:	5

<u>Sec. 3798.05. (A) In utilizing an electronic health</u>	6
<u>records system to maintain the records of a patient who is a</u>	7
<u>minor, a health care provider shall ensure to the fullest extent</u>	8
<u>permitted under the HIPAA privacy rule and Ohio law that the</u>	9
<u>minor's parent or guardian has access in that system to the</u>	10
<u>minor's health records. Additionally, a health care provider</u>	11
<u>shall not require the minor's parent or guardian to obtain the</u>	12
<u>minor's authorization before the parent or guardian may access</u>	13
<u>in the electronic health records system records relating to care</u>	14
<u>the minor received with parent or guardian consent.</u>	15

(B) A health care provider that maintains protected health 16
information for patients who are minors shall do both of the 17
following: 18

(1) Annually inform each minor's parent or guardian of all 19
of the following: 20

(a) Circumstances in which a minor is permitted under Ohio 21
law to receive health care without parent or guardian consent, 22
including under sections 2108.31, 2151.85, 2907.29, 3701.242, 23
3709.241, 3719.012, 5120.172, and 5122.04 of the Revised Code; 24

(b) That any medical records pertaining to care of a minor 25
patient consented to without parent or guardian consent may not 26
be disclosed to the parent or guardian unless the minor has 27
authorized the disclosure; 28

(c) That a minor's consent for parent or guardian access 29
to the minor's medical records is valid only for medical records 30
regarding care provided to the minor patient by the health care 31
provider that obtained the consent. 32

(2) (a) Except as provided in division (B) (2) (b) of this 33
section, at each minor's annual well visit, provide the minor an 34
opportunity to provide general, ongoing written consent for 35
parent or guardian access to the minor's medical records 36
regarding care that the minor patient may have consented to, or 37
may consent to in the future, without parent or guardian 38
consent. 39

(b) The requirement in division (B) (2) (a) of this section 40
does not apply if a minor provides written consent as described 41
under that division, and the minor has not revoked that consent. 42

(C) Division (B) (1) of this section does not apply to a 43
health care provider rendering services to a minor patient on an 44

episodic basis or in an emergency department or urgent care 45
center, when it should not be reasonably expected that related 46
medical services will be rendered by the health care provider to 47
the minor patient in the future. 48

Section 2. This act shall be known as the My Child-My 49
Chart Act. 50