

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 463

Representative Click

**Cosponsors: Representatives Barhorst, Dean, Gross, Klopfenstein, Kick,
McClain, Richardson, Wiggam, Williams**

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

Sec. 3798.05. (A) In utilizing an electronic health 6
records system to maintain the records of a patient who is a 7
minor, a health care provider shall ensure to the fullest extent 8
permitted under the HIPAA privacy rule and Ohio law that the 9
minor's parent or guardian has access in that system to the 10
minor's health records. This includes, if necessary to ensure 11
parent or guardian access to the fullest extent, maintaining the 12
minor's records in such a manner that separates records relating 13
to care that the minor received without parent or guardian 14
consent and care received with parent or guardian consent. 15
Additionally, a health care provider shall not require the 16
minor's parent or guardian to obtain the minor's authorization 17
before the parent or guardian may access in the electronic 18

health records system records relating to care the minor 19
received with parent or guardian consent. 20

(B) A health care provider that maintains protected health 21
information for patients who are minors shall do both of the 22
following: 23

(1) Annually inform each minor's parent or guardian of 24
both of the following: 25

(a) Circumstances in which a minor is permitted under Ohio 26
law to receive health care without parent or guardian consent, 27
including under sections 2108.31, 2151.85, 2907.29, 3701.242, 28
3709.241, 3719.012, 5120.172, and 5122.04 of the Revised Code; 29

(b) That any medical records pertaining to care of a minor 30
patient consented to without parent or guardian consent may not 31
be disclosed to the parent or guardian unless the minor has 32
authorized the disclosure. 33

(2) (a) Except as provided in division (B) (2) (b) of this 34
section, at each minor's annual well visit, provide the minor an 35
opportunity to provide general, ongoing written consent for 36
parent or guardian access to the minor's medical records 37
regarding care that the minor patient may have consented to, or 38
may consent to in the future, without parent or guardian 39
consent. 40

(b) The requirement in division (B) (2) (a) of this section 41
does not apply if a minor provides written consent as described 42
under that division, and the minor has not revoked that consent. 43

Section 2. This act shall be known as the My Child-My 44
Chart Act. 45