## 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 Coo	de 1
related to medical records of minors and	d 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 quardian 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
<u>consent.</u>	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

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