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H.B. 162
136th General Assembly

Bill Analysis

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Version: As Reported by House Health

Primary Sponsor: Rep. Click

Elizabeth Molnar, Attorney

SUMMARY

- Requires a health care provider to ensure a minor's parent or guardian has access to the minor's electronic health records to the fullest extent permitted under the HIPAA Privacy Rule and state law.
- Requires a health care provider to annually inform each minor's parent or guardian of certain information, including the circumstances in which a minor may consent to health care on the minor's own behalf and that records of such care may not be disclosed to the parent or guardian without the minor's authorization.
- Prohibits a health care provider from requiring a minor's parent or guardian to obtain the minor's authorization before the parent or guardian may access records – in the electronic health records system – that relate to care the minor received with parental or guardian consent.
- Requires a health care provider, at a minor's annual well visit, to allow the minor an opportunity to provide general, ongoing written consent for parental or guardian access to the minor's medical records regarding care the minor consented to on the minor's own behalf.
- Names the act the My Child-My Chart Act.

DETAILED ANALYSIS

The bill requires a health care provider utilizing an electronic health records system to ensure, to the fullest extent permitted under the federal HIPAA Privacy Rule and Ohio law, that a minor's parent or guardian has access in that system to the minor's health records.¹

¹ R.C. 3798.05(A).

Additionally, the bill prohibits a health care provider from requiring a minor's parent or guardian to obtain the minor's authorization before the parent or guardian may access in the electronic health records system records regarding health care received by the minor with the parent's or guardian's consent.²

Statutory exceptions to parental consent

Existing statutory law unchanged by the bill authorizes a minor, in any of the following eight circumstances, to consent to medical care on the minor's own behalf: (1) blood donations,³ (2) emergency medical care for a sexual abuse victim,⁴ (3) human immunodeficiency virus (HIV) testing,⁵ (4) sexually transmitted infection diagnosis and treatment,⁶ (5) drug and alcohol abuse diagnosis and treatment,⁷ (6) medical care for a minor prosecuted as an adult and confined to a state correctional institution,⁸ (7) certain outpatient mental health services for a minor aged 14 to 17,⁹ and (8) obtaining an abortion without parental notification (through a judicial process).¹⁰

Annual information to parents

The bill requires a health care provider maintaining protected health information for minor patients to annually inform each minor's parent or guardian of all of the following:¹¹

- The circumstances in which Ohio law permits minors to receive health care without parental or guardian consent;
- That medical records related to care a minor received without parental or guardian consent may not be disclosed to a parent or guardian without the minor's authorization;
- That a minor's consent for parent or guardian access to the minor's medical records is valid only for records regarding care provided to the minor by the health care provider obtaining the minor's consent.

The bill exempts from this annual duty a health care provider who renders medical services to a minor patient on an episodic basis or in an emergency department or urgent care

² R.C. 3798.05(A).

³ R.C. 2108.31, not in the bill.

⁴ R.C. 2907.29, not in the bill.

⁵ R.C. 3701.242, not in the bill.

⁶ R.C. 3709.241, not in the bill.

⁷ R.C. 3719.012, not in the bill.

⁸ R.C. 5120.172, not in the bill.

⁹ R.C. 5122.04, not in the bill.

¹⁰ R.C. 2151.85, not in the bill.

¹¹ R.C. 3798.05(B)(1).

center, when it should not be reasonably expected that the health care provider will render related medical services to the minor in the future.¹²

Note that a health care provider's duty to annually inform a parent or guardian under the bill does not appear to depend on whether the minor's protected health information is maintained in electronic or other form.

Opportunity for minors to authorize parental access

In the case of a health care provider maintaining protected health information for minor patients, the bill requires the provider to offer a minor, at each annual well visit, an opportunity to provide general, ongoing written consent for parental or guardian access to medical records regarding care the minor may have consented to, or may consent to in the future, on the minor's own behalf.¹³ Once the minor authorizes parental or guardian access, the health care provider is no longer required to provide that opportunity, unless the minor has revoked consent to such access.¹⁴

HISTORY

Action	Date
Introduced	03-12-25
Reported, H. Health	10-08-25

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¹² R.C. 3798.05(C).

¹³ R.C. 3798.05(B)(2)(a).

¹⁴ R.C. 3798.05(B)(2)(b).