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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Click

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SUMMARY

- Requires health care providers to ensure a minor's parent or guardian has access to the electronic health records of the minor to the fullest extent permitted under federal and state law.
- Prohibits a health care provider from requiring a minor's authorization for a parent or guardian to obtain the minor's electronic health records relating to care that a parent or guardian provided consent for.
- Requires health care providers to annually inform each minor's parent or guardian (1) of circumstances in which a minor may receive health care without parent or guardian consent and (2) that records of such care may not be disclosed to the parent or guardian without the minor's authorization.
- Requires health care providers to give an opportunity to a minor to provide general, ongoing written consent for parent or guardian access to the minor's medical records at the minor's annual well visit.
- Names the act the My Child-My Chart Act.

DETAILED ANALYSIS

Parent or guardian access to minor medical records

Health care provider responsibilities

As discussed below, the bill imposes several requirements on health care providers that maintain protected health information for patients who are minors.

Access to electronic records

Regarding records maintained in electronic health records systems, health care providers must ensure to the fullest extent permitted under the federal HIPAA privacy rule and

Ohio law that parents and guardians of minors have access to the minors' health records. If necessary to meet this requirement, the bill requires maintaining a minor's health records in a manner that can separate records relating to instances where a minor received health care without parental consent and instances where care is received with parental consent.¹

Under existing law that is unchanged by the bill, there are eight circumstances where minors may receive health care without parental consent (i.e., the minor consents on their own behalf): (1) blood donations,² (2) emergency medical care for sexual abuse victims,³ (3) human immunodeficiency virus (HIV) testing,⁴ (4) venereal disease diagnosis and treatment,⁵ (5) drug and alcohol abuse diagnosis and treatment,⁶ (6) medical care for minors prosecuted as adults who are confined to state correctional institutions,⁷ (7) certain outpatient mental health services for minors aged 14 to 17,⁸ and (8) obtaining an abortion without parental notification (through a judicial process).⁹

Related to any other care, the bill prohibits health care providers from requiring authorization from a minor before a parent or guardian may access electronic records relating to minor care that the parent or guardian provided the consent for.¹⁰

Annual information to parents

Regardless of whether records are electronic or maintained in another form, the bill requires health care providers who care for minors to annually inform each minor's parent or guardian of both of the following:

- The circumstances in which a minor is permitted under Ohio law to receive health care without parental consent;¹¹
- That medical records related to care a minor received without parental consent may not be disclosed to a parent or guardian without authorization from the minor.¹²

¹ R.C. 3798.05(A).

² R.C. 2108.31, not in the bill.

³ R.C. 2907.29, not in the bill.

⁴ R.C. 3701.242, not in the bill.

⁵ R.C. 3709.241, not in the bill.

⁶ R.C. 3719.012, not in the bill.

⁷ R.C. 5120.172, not in the bill.

⁸ R.C. 5122.04, not in the bill.

⁹ R.C. 2151.85, not in the bill.

¹⁰ R.C. 3798.05(A).

¹¹ R.C. 3798.05(B)(1)(a).

¹² R.C. 3798.05(B)(1)(b).

Opportunity for minor to provide consent

The bill requires that an opportunity be provided for a minor to provide general, ongoing written consent for parental access to records that may relate to the care a minor received without parental consent, or may receive in the future, at each minor's annual well visit.¹³ Once written consent from the minor has been received, the requirement no longer applies unless a minor has revoked that consent.¹⁴

HISTORY

Action	Date
Introduced	03-27-24

ANHB0463IN-135/sb

¹³ R.C. 3798.05(B)(2)(a).

¹⁴ R.C. 3798.05(B)(2)(b).