



Ohio Revised Code

Section 2113.032 Application for release of medical and billing records.

Effective: March 22, 2019

Legislation: House Bill 595 - 132nd General Assembly

Any person who is eligible to be appointed as a personal representative of an estate under the law of this state or named as executor in a will may file an application with the probate court in the county in which the decedent resided seeking the release of the decedent's medical records and medical billing records for use in evaluating a potential wrongful death, personal injury, or survivorship action on behalf of the decedent. The application shall include a decedent's estate form listing the decedent's known surviving spouse, children, next of kin, legatees, and devisees, if any. The application may be filed prior to the filing of any application for authority to administer the decedent's estate. Nothing in this section requires that an application to administer the decedent's estate be filed if no estate is needed to be administered, unless otherwise required by law. The probate court shall send a copy of the application to those persons listed on the decedent's estate form described in this section unless otherwise directed by the court. Upon the filing of the application and the payment of a filing fee as determined by the court, and not earlier than ten days following the probate court's transmission of a copy of the application to those persons listed on the decedent's estate form, the probate court may order that the medical records and medical billing records be released without a hearing or with a hearing if needed. The court's order shall direct all medical providers that provided medical care or treatment to the decedent to release those medical records and medical billing records to the applicant for the limited purpose of deciding whether or not to file a wrongful death, personal injury, or survivorship action. The medical records and medical billing records are confidential and shall not be made available for public viewing unless otherwise provided for by law or subsequent court order. Upon obtaining the requested applicable records, and before the expiration of the applicable statute of limitations, the applicant shall file a report with the court certifying that all requested medical records and medical billing records have been received and shall indicate whether an administration of the decedent's estate will be filed.