



Ohio Revised Code

Section 3798.07 Conditions for disclosure to health information exchange.

Effective: September 10, 2012

Legislation: House Bill 487 - 129th General Assembly

(A) In addition to a covered entity generally being subject to the conditions specified in divisions (A) to (D) of section 3798.06 of the Revised Code when the covered entity discloses protected health information to a health information exchange without a valid authorization, the covered entity shall also be subject to the following conditions when it discloses protected health information to a health information exchange:

(1) The covered entity shall restrict disclosure consistent with all applicable federal laws governing the disclosure ;

(2) If the protected health information concerns a minor, the covered entity shall restrict disclosure in a manner that complies with laws of this state pertaining to the circumstances under which a minor may consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code unless the minor authorizes the disclosure.

(3) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative to restrict disclosure of all of the individual's protected health information.

(4) The covered entity shall restrict disclosure in a manner that is consistent with a written request from the individual or the individual's personal representative concerning specific categories of protected health information to the extent that rules adopted pursuant to section 3798.16 of the Revised Code require the covered entity to comply with such a request.

(B) The conditions in division (A) of this section on a covered entity's disclosure of protected health information to a health information exchange do not render unenforceable or restrict in any manner any of the following:



- (1) A provision of the Revised Code that on the effective date of this section requires a person or governmental entity to disclose protected health information to a state agency, political subdivision, or other governmental entity;
- (2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;
- (3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;
- (4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;
- (5) Any of the following items that govern the confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency as defined in section 111.15 of the Revised Code; govern the process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research; govern the process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code; or govern the process for determining whether a minor has been emancipated:
 - (a) A section of the Revised Code that is not in this chapter;
 - (b) A rule as defined in section 119.01 of the Revised Code;
 - (c) An internal management rule as defined in section 111.15 of the Revised Code;
 - (d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;
 - (e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;
 - (f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;



- (g) An ordinance or resolution adopted by a political subdivision;
- (h) A professional code of ethics;
- (i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.