



Ohio Revised Code

Section 3798.12 Conflicts with other laws.

Effective: September 10, 2012

Legislation: House Bill 487 - 129th General Assembly

As used in this section, "agency" has the same meaning as in section 111.15 of the Revised Code.

(A) Except as provided in division (B) of this section, any of the following pertaining to the confidentiality, privacy, security, or privileged status of protected health information transacted, maintained in, or accessed through a health information exchange is unenforceable if it conflicts with this chapter:

- (1) A section of the Revised Code that is not in this chapter;
- (2) A rule as defined in section 119.01 of the Revised Code;
- (3) An internal management rule as defined in section 111.15 of the Revised Code;
- (4) Guidance issued by an agency;
- (5) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;
- (6) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;
- (7) An ordinance or resolution adopted by a political subdivision;
- (8) A professional code of ethics.

(B) Division (A) of this section does 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) An item described in divisions (A)(1) to (8) of this section that governs any of the following:
 - (a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;
 - (b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;
 - (c) 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;
 - (d) The process for determining whether a minor has been emancipated.
- (6) 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.