



## Ohio Administrative Code

### Rule 3796:6-3-18 Confidentiality of patient records.

Effective: September 8, 2017

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(A) Pursuant to division (B) of section 3796.08 of the Revised Code and division (C) of section 4729.80 of the Revised Code, patient-specific dispensary transactions are confidential and not a public record. A person having custody of, or access to, such records shall not divulge the contents thereof, or provide a copy thereof, to anyone except:

- (1) The patient for whom the recommendation or medical marijuana order was issued or that patient's designated caregiver;
- (2) The certified physician who issued the recommendation;
- (3) Certified and or licensed health care personnel who are responsible for the care of the patient;
- (4) A member, inspector, agent, or other investigator of the state board of pharmacy or any federal, state, county, or municipal officer whose duty is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person or drug;
- (5) A government agent charged with the responsibility of providing medical care for the patient upon a written request by an authorized representative of the agency requesting such information;
- (6) If applicable, an agent of a medical insurance company who provides insurance coverage for medical marijuana upon authorization and proof of insurance by the patient or proof by the insurance company for those medications requested;
- (7) An agent who contracts with the dispensary as a business associate in accordance with the regulations promulgated by the secretary of the United States department of health and human services pursuant to the federal standards for the privacy of individually identifiable health information;



(8) Any person, other than those listed in paragraphs (A)(1) to (A)(7) of this rule, only when the patient has given consent for such disclosure in writing, except where a patient is unable to deliver written consent, in which case, written consent must be provided by the patients caregiver.

(a) Any consent must be signed by the patient or caregiver and dated;

(b) Any consent for disclosure is valid until rescinded by the patient or caregiver.

(c) In an emergency, a dispensary may disclose the recommendation information when it is deemed to be in the best interest of the patient. A dispensary employee making an oral disclosure in an emergency must prepare a written statement showing the patients name, the date and time the disclosure was made, and the nature of the emergency, and the names of the individuals by whom and to whom the information was disclosed.

(B) Patient-specific information related to the dispensing of medical marijuana which may be required as evidence of a violation of Chapter 3796. of the Revised Code or of this division shall be released to a member, inspector, agent, or investigator of the state board of pharmacy, state medical board or any state, county, or municipal officer whose duty is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person or drug upon his request. Such person shall furnish a receipt to the person having legal custody of the records. If the record is a recommendation, the receipt shall list the following information:

(1) Recommendation identification number;

(2) The name of the patient;

(3) The quantity of the medical marijuana or medical marijuana product dispensed;

(4) Name of the recommending physician; and

(5) Date, name and address of the agency, and signature of the person removing the records.



(C) All patient-specific information related to the dispensing of medical marijuana, including consents, written statements of emergency disclosures, and written requests pursuant to paragraph (A)(8) of this rule, shall be kept on file at the dispensary for a period of three years in a readily retrievable manner.