



Ohio Administrative Code Rule 4725-5-11 Keeping of records.

Effective: November 30, 2023

The release of confidential records regarding the treatment of a patient or physical condition of that patient is a matter within the control of the patient. The patient may request a copy of the records or waive the privilege of confidentiality for the records to be furnished to a third party.

The examining optometrist is responsible for providing a copy of the records upon a proper request either directly to the patient or to a designated third party. If records are to be sent to a third party the optometrist may require that the patient sign a record release or waiver form.

Upon retirement or termination of practice, patient records may be transferred to another optometrist for custody. A written custody agreement must be executed, signed and retained by both parties. Patients should be notified of the transfer of records and also informed that the records can be forwarded to an optometrist of their choice. A reasonable charge as defined in section 3701.07 of the Revised Code may be made for copying patient records. If the optometrist chooses to retain patient records, current patients must be notified of the location of their records.

An optometrist departing from a practice at a leased location may transfer records to another optometrist for custody. The optometrist may allow copies of patient prescriptions to remain at the leased location but is prohibited from releasing full patient records to any non-licensed individual, unless the patient provides written authorization to the optometrist.

The failure to timely release patient records upon a proper request or to notify current patients of a change of location where their records are maintained constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.

All patient records must be maintained by the examining optometrist for seven years unless released to another optometrist for custody. Patient records include examinations, furnishing legend therapeutic agents and for whom optical accessories have been dispensed. Records may be maintained as paper or electronic files. If records are maintained electronically, a backup file will be maintained off site.



The computer will also be keyed to record the time and date of any record transactions or alterations.

The failure to keep for a period of at least seven years a complete record of all patients examined or furnished legend therapeutic agents and of all patients for whom optical accessories have been adapted constitutes "dishonesty or unprofessional conduct" as that phrase is used in section 4725.19 of the Revised Code.