



Ohio Administrative Code

Rule 5122-27-06 Release of information.

Effective: August 1, 2026

- (A) Except in the circumstances described in sections 5119.28 and 5122.31 of the Revised Code when the consent of a current or previous client or that client's parent is not mandated for the disclosure or use of information regarding that current or previous client, a request for information regarding a current or previous client is to be accompanied by an authorization for release of information that complies with this rule.
- (B) An authorization for release of information concerning a current or previous client of a part 2 program as defined in 42 C.F.R. 2.11 is to comply with 42 C.F.R. 2.31. Each disclosure made pursuant to such an authorization is to be accompanied by one of the two written statements specified in 42 C.F.R. 2.32(a). As mandated by 42 C.F.R. 2.32(b), each disclosure made with the client's written consent is to be accompanied by a copy of the consent or a clear explanation of the scope of the consent provided.
- (C) An authorization for release of information concerning a client not described in paragraph (B) of this rule is to comply with 45 C.F.R. 164.508. Accordingly, an authorization for release of information is to include, but not be limited to, all of the following:
- (1) The full name of the client.
 - (2) The client's date of the birth.
 - (3) The specific information to be disclosed and the purpose of the disclosure.
 - (4) The name of the person or government entity to disclose the information.
 - (5) The name of the person, class of persons, or government entity to receive the information.
 - (6) The date, event, or condition upon which authorization is to expire.
 - (7) A statement that the client may revoke the authorization in writing at any time except to the extent the provider, person, or government entity who is to make the disclosure has already acted in reliance on it.
 - (8) A statement regarding the provider's ability or inability to condition treatment, payment, enrollment, or eligibility for benefits on the client's authorization for the release of information by specifying either that:
 - (a) The provider is not to condition treatment, payment, enrollment, or eligibility for benefits on whether the individual signs the authorization when the exclusion on conditioning of authorization in 45 C.F.R. 164.508(b)(4) applies; or



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- (b) The consequences to the client of a refusal to sign the authorization when, in accordance with 45 C.F.R. 164.508(b)(4), the provider can condition treatment, enrollment, or eligibility for benefits on failure to obtain such authorization.
 - (9) Subject to paragraph (D) of this rule, the dated signature of the client or, as appropriate, a legally authorized agent and the agent's relationship to the client.
 - (10) A statement regarding the potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer subject to protection under the HIPAA privacy rule as defined in section 3798.01 of the Revised Code.
- (D) If the client is a minor, both of the following conditions apply with respect to an authorization for release of information:
- (1) The authorization for release of information is to be signed by the client's parent except:
 - (a) When the client is fourteen years of age or older and the client alone gave consent for outpatient mental health services, excluding the use of medication, under the circumstances described in section 5122.04 of the Revised Code; or
 - (b) When the client gave consent for the diagnosis or treatment by a physician of any condition which it is reasonable to believe is caused by a drug of abuse, beer, or intoxicating liquor under the circumstances described in section 3719.012 of the Revised Code.
- In the circumstances described in paragraphs (D)(1)(a) and (D)(1)(b) of this rule, only the client is to sign the authorization.
- (2) In the case of a minor who received addiction treatment services under circumstances not described in section 3719.012 of the Revised Code, the authorization for release of information is to be signed by both the client and the client's parent in accordance with 42 C.F.R. part 2.14(b)(1).
- (E) Except as provided in 45 C.F.R. 164.508(a)(2)(i) or (ii), a provider is to obtain a separate authorization for release of psychotherapy notes, as that term is defined in 45 C.F.R. 164.501.