

CLIENT ACCESS TO RECORDS: ORC 3701.74

Ohio law (ORC 3701.74, effective April 2003) clarifies client/patient access to their psychological records. The law appears to provide psychologists no right to deny direct access and no right to send records to another professional in lieu of providing the client with direct access. This law provides physicians and chiropractors with the right to send records to another physician or chiropractor if they believe that the record might have an adverse affect on their patient, although no such right is provided to psychologists.

Since this is a state statute, it likely overrides all rules of the State Board of Psychology and any APA ethical standards used to interpret the Ohio Rules of Professional Conduct. Many psychologists are uncomfortable with requests for records and releasing records to a client. Some psychologists insist on writing a summary of the record, thereby creating yet another record. Others ask clients to read the record in the professional office. Psychologists who use these procedures should seek legal advice about how to handle requests for medical records, including whether a psychologist has the right to offer a client anything other than the requested records.

CHARGING FOR RECORDS: ORC 3701.741

This reminds readers that Ohio law specifies that health care providers (including psychologists) are allowed to charge for reproducing records and are limited to certain fees for services and copies related to providing client records to those making requests.

By amendment effective June 2008, for requests made by the patient or representative, charges are limited to the sum of the following:

- (1) With respect to data recorded on paper:
 - (a) \$2.74 per page for the first ten pages
 - (b) 0.57 cents per page for pages eleven through fifty
 - (c) 0.23 cents per page for pages fifty-one and higher
- (2) Actual costs of postage

For requests made by *other than the patient or representative*, charges are limited to the sum of the following:

- (1) With respect to data recorded on paper:
 - (a) Finders fee of \$15.84
 - (b) \$1.11 per page for the first ten pages
 - (c) 0.57 cents per page for pages eleven through fifty
 - (d) 0.23 cents per page for pages fifty-one and higher
- (2) Actual costs of postage

Note that the statute requires that one copy free of charge (and a copy of records regarding services performed subsequent to the original request) must be provided to BWC, the Industrial Commission, the Department of Job and Family Services, the Office of the Attorney General and others depending on circumstances. Psychologists are never *required* to charge for copies of records.

This information is offered as an informational summary only and readers shall not rely on this summary in lieu of reading the statute and/or seeking the advice of an attorney and may not claim detrimental reliance thereon.

The statute is available in its entirety through the Board's homepage by clicking "Laws and Rules" and navigating to "related statutes."