

CONFIDENTIALITY OF PATIENT RECORDS

Rule 4729-5-29 [Update Effective 01/01/2009]

- (A) Records relating to the practice of pharmacy, the administration of drugs, or any patient specific drug transaction are 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 prescription or medication order was issued.
 - (2) The prescriber who issued the prescription or medication order.
 - (3) Certified/licensed health care personnel who are responsible for the care of the patient.
 - (4) A member, inspector, agent, or 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) An agent of the state medical board when enforcing Chapters 4730. and 4731. of the Revised Code.
 - (6) An agency of government 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.
 - (7) An agent of a medical insurance company who provides prescription insurance coverage to the patient upon authorization and proof of insurance by the patient or proof of payment by the insurance company for those medications whose information is requested.
 - (8) An agent who contracts with the pharmacy 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 privacy of individually identifiable health information.
 - (9) An agent of the state board of nursing when enforcing Chapter 4723. of the Revised Code.
 - (10) Any person, other than those listed in paragraphs (A)(1) to (A)(9) of this rule, only when the patient has given consent for such disclosure in writing, except where a patient requiring medication is unable to deliver a written consent to the necessary disclosure. Any consent must be signed by the patient and dated. Any consent for disclosure is valid until rescinded by the patient. In an emergency, the pharmacist may disclose the prescription information when, in the professional judgment of the pharmacist, it is deemed to be in the best interest of the patient. A pharmacist making an oral disclosure in an emergency situation must prepare a written memorandum showing the patient's name, the date and time the disclosure was made, the nature of the emergency, and the names of the individuals by whom and to whom the information was disclosed.
- (B) Testimonial privilege is not waived for any communication between a physician, a pharmacist, and a patient pursuant to section 2317.02 of the Revised Code.

- (C) Records relating to the practice of pharmacy, the administration of drugs, or any patient specific drug transaction which may be required as evidence of a violation shall be released to a member, inspector, agent, or investigator of the state board of pharmacy 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 prescription, the receipt shall list the following information:
- (1) Prescription identification number; or, if an order for medication, the name of the patient;
 - (2) The drugs prescribed;
 - (3) Quantity of drugs prescribed and dispensed;
 - (4) Name of the prescriber;
 - (5) Date, name of agency, and signature of person removing the records.
- (D) All such records, including consents, memoranda of emergency disclosures, and written requests pursuant to paragraph (A)(9) of this rule, shall be kept on file at the pharmacy for a period of three years in a readily retrievable manner.

=\=\==/=/=