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## PATIENT RECORD POLICY

**Preamble:** The purpose of this policy is to clarify the Board's position regarding what should be considered as an accurate and up to date patient record which would conform to the accepted standards for the profession.

It is the position of the Ohio State Dental Board that all patients should have accurate and current dental records to document clinical findings and procedures.

The purpose of this policy is to clarify the Board's position regarding the ownership and release of patient records.

### Patient Record Defined:

Ohio Revised Code section 3701.74 defines a medical record as:

Data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment." This would include:

- medical/dental history
- written progress notes
- radiographs
- models, and other treatment information.

### Ownership:

Patient records belong to the treating dentist, or the dentist owner of the dental practice if so provided for under contract. Regardless of a dentist's employment or practice situation, it is important that the dentist account for the ownership and responsibility for the safeguarding of patient records to ensure a continuity of care and avoid patient abandonment. Despite owning the patient record, dentists have a legal obligation to provide a copy or allow for examination of that record upon the receipt of a written request from the patient, the patient's parent or legal guardian, or another properly authorized person.

### Transfer of Ownership:

Patient records may be transferred to another licensed dentist in the event of the sale of a dental practice, a change in employment by the treating dentist, or other circumstance in order to ensure a continuity of care.

The Health Insurance Portability and Accountability Act (HIPAA) allows for the transfer of patients' protected health information to complete treatment, payment and health care operations. Ideally, dentists involved with the transfer of a patient's record in one of these circumstances should attempt to notify the patient of the transfer and how to obtain a copy of their record should they choose.

In the event of the death of the owner of a dental practice, the records can be held by the estate while arrangements are made for the eventual sale of the dental practice to another licensed dentist. Ohio Revised Code section 4715.01 states that only a licensed dentist can be an owner, operator, or manager of a place for performing dental operations. During the transition period following the death of a dentist, dental care, including supervision of the dental hygienist(s) and auxiliary dental staff, can continue for a period of 90 days by an interim dentist(s) at which time the Board will inquire as to the permanent arrangement.

#### Costs:

Dentists may charge a reasonable fee for the copying of a patient's record in accordance with the limitations set forth in Ohio Revised Code section 3701.741. However, a patient's right to obtain a copy of that record is absolute and the dentist's obligation to provide a copy of the record exists regardless of a patient's account balance.

#### Termination:

In the case of termination of the patient relationship, upon written request, the records should be available to the patient or subsequent treating practitioner.

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