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Ohio's Standardization of Medical Release Form

This month, the Ohio Department of Medicaid finalized its regulation ([OAC 5160-1-32.1](#)) which creates a [standard authorization form](#) for the release of medical records. This standard form must be accepted and honored by all Ohio providers beginning February 2, 2019.

This new form creates a more efficient method of releasing medical records while maintaining the security of private information. By providing a uniform release, staff will no longer have to examine each request to determine whether it applies with applicable state and federal laws. Once a standard release is submitted, providers will know that the release is fully compliant and may promptly hand over the medical records.

The new form is divided into two separate forms and addresses the consent requirements required by HIPAA and Part 2 Regulations:

- Form A allows the disclosure of protected health information by a covered entity as required by HIPAA.
- Form B allows the disclosure of substance use disorder information by a 42 CFR Part 2 federally-assisted provider.

While providers are required to accept and honor this form, they are not required to use it themselves. Providers may continue to use their own forms, if the forms remain compliant with all applicable regulations.

While the finalized rule will have an impact in several areas of law, the standardization of the authorization will simplify the discovery efforts specifically in the area of workers' compensation claims. Requesting attorneys will no longer have to use specific authorization forms and instead may submit the standard form, leading to a more efficient process. Prior to this standardization, each provider had their own form that they recognized as compliant with state and federal laws.

When a requesting attorney came to a provider seeking medical information, they either submitted their own form, which the provider would have to determine whether it was compliant or not, or they had to request the provider's form and fill out that form. This lack of standardization could slow down the discovery process drastically if medical records had to be requested from several different providers, as the attorney would have to fill out differing forms.

For more information, contact [Matthew Wagner](#) or any member of Frost Brown Todd's [Health Care Innovation](#) team.

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