## Ohio

### Birth Defects Surveillance System

<table>
<thead>
<tr>
<th>State</th>
<th>Statute/Rule</th>
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<tbody>
<tr>
<td>OH</td>
<td>STATUTE: ORS Title 37, Chapter 3705 RULE: OAC Chapter 3701</td>
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<tr>
<th>Language Specific to Surveillance System</th>
<th>Data Sharing</th>
<th>Research Authority</th>
<th>Consent Required</th>
<th>Dissent Allowed?</th>
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<tbody>
<tr>
<td>3705.30 Statewide birth defects information system. ...(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns...(C)...(3) The director may review vital statistics records and shall consider expanding the list of congenital anomalies and abnormal conditions of newborns reported on birth certificates pursuant to section 3705.08 of the Revised Code.</td>
<td>3705.30 (C)(1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code.</td>
<td>3705.31 Purposes of system. … (D) To stimulate epidemiological research regarding congenital anomalies, stillbirths, and abnormal conditions of newborns…</td>
<td>NO</td>
<td>YES, but only identifying information</td>
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<td>3705.33 Parent or legal guardian may request information concerning child to be removed from system. …A child’s parent or legal guardian who wants information concerning the child removed from</td>
<td>3705.34 Rules. …the director of health shall, in consultation with the council created under section 3705.34 of the Revised Code, adopt</td>
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Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008.

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the birth defects information system shall request from the local health department or the child’s physician a form prepared by the director of health. On request, a local health department or physician shall provide the form to the child’s parent or legal guardian. The individual providing the form shall discuss with the child’s parent or legal guardian the information contained in the system. If the child’s parent or legal guardian signs the form, the department or physician shall forward it to the director. On receipt of the signed form, the director shall remove from the system **any information that identifies the child**.

### 3705.35 Rules

… the director of health shall, in consultation with the council created under section 3705.34 of the Revised Code, adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: …(E) Establish a form for use by parents or legal guardians who seek to have information regarding their children removed from the system and a method of distributing physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division. (D) A physician, hospital, or freestanding birthing center that provides information to the system under division (C) of this section shall not be subject to criminal or civil liability for providing the information.

### 3705.32 Records are confidential – exceptions

(A) Except as provided in this section, records received rules in accordance with Chapter 119. of the Revised Code to do all of the following …(D) Establish standards that must be met by persons or government entities that seek access to the system…

#### 3701-57-04 Confidentiality, Research

(B) Information concerning individuals with birth defects obtained by the Ohio department of health for the birth defects information system is for the confidential use of the Ohio
the form to local health departments, as defined in section 3705.33 of the Revised Code, and to physicians. The method of distribution must include making the form available on the internet.

### 3701-57-02 Reporting Requirements

**(B)** Each physician, hospital and freestanding birthing center within the specified region shall report cases as described in paragraph (A) of this rule in an electronic or written format as prescribed by the director. The report shall contain information regarding the child which includes:

1. Child’s name (first, middle, last, suffix);
2. Child’s county of residence;
3. Child’s address (street, city, state, zip code);
4. Phone number of child’s guardian (area code and number);
5. Guardian name if different than child’s mother;
6. Child’s date of birth;
7. Child’s gender;
8. Child’s race;
9. Child’s Hispanic ethnicity;
10. Date of diagnosis of birth defect(s), syndrome, or disorder;
11. Text and information assembled by the birth defects information system pursuant to section 3705.30 of the Revised Code are confidential medical records...

Access to information assembled by the system shall be limited to the following persons and government entities:

- (a) The director of health;
- (b) Authorized employees of the department of health;
- (c) Qualified persons or government entities that are engaged in demographic, teratologic, epidemiologic, or similar studies related to health and health care provision.

Qualified persons or government entities engaged in demographic, teratologic, epidemiologic or similar studies related to health and health care provision may be given access to confidential information if the study meets the standards established in paragraph (C) of this rule...
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<td>(12) Child’s description of birth defect(s), syndrome, or disorder; (13) “ICD-9 CM” code, if applicable; (14) Child’s date of death, if applicable; (15) Child’s underlying cause of death, if applicable; (16) Mother’s name (first, maiden, last); (17) Mother’s date of birth; (18) Mother’s race; (19) Mother’s Hispanic ethnicity; (20) Reporter contact information (name, facility, phone number); and (21) Date of report.</td>
<td>3701-57-04 Confidentiality, Research. The director may obtain and merge into the birth defects information system information reported to the Ohio department of health under another provision of the Revised Code or Administrative Code. [emphasis added]</td>
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