

# INSTRUCTIONS FOR RELEASE MEDICAL RECORDS

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in the Authorizing Release of Medical Records and Medical Billing Records.

This packet is used when a person needs to obtain the Medical Records only for someone who is now deceased. The packet will be presented to the Court for filing.

- The decedent must have resided in Hamilton County at the time of passing.
- The applicant must be a resident of the State of Ohio or be nominated as an Executor in the decedent's will.
- The following are necessary at the initial filing of an Authorizing Release of Medical Records and Medical Billing Records:
  - If decedent created a will, the original will is presented for record only.
  - Certified copy of the death certificate, or other proof of date of death.
  - A fee is required at the time of filing. Current Court Costs are posted at: <https://www.probatect.org/about/general-resources>.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **The fee must be paid in cash, money order, certified check (made payable to PROBATE COURT), MasterCard, Visa, Discover, or American Express. No personal checks will be accepted.**

The forms may be obtained from the Issue Desk on the 9<sup>th</sup> floor of the Probate Court, 230 E. 9<sup>th</sup> Street, Cincinnati, Ohio or by downloading the forms from the web site.

## PROCEDURAL STEPS

### STEP 1: COMPLETE THE FOLLOWING FORMS

Surviving Spouse, Next of Kin, Legatees & Devisees (1.0) [R.C. 2105.06]
<ul style="list-style-type: none"> <li>- On <i>front</i> of form, list all <i>next of kin</i> (those people who are or would be entitled to inherit <i>if</i> there were no will), on <i>back</i> of form, list all others named in will (if decedent left a will)</li> <li>- Be sure to specify <i>complete</i> addresses of all listed.</li> <li>- List all children of the decedent on the <u>front</u> of the form even if there is a surviving spouse.</li> </ul>
Application to Release Medical Records and Medical Billing Records [R.C. 2113.032] (29.0)
<ul style="list-style-type: none"> <li>- Complete the information being requested.</li> <li>- Applicant will sign and complete their information. If the applicant is represented by an attorney, the attorney will sign and complete their information.</li> </ul>
Entry Dispensing with Setting a Hearing on Application for Release of Decedent's Medical Records and Medical Billing Records (129.4)
<ul style="list-style-type: none"> <li>- A hearing is not required if all people named on the Form 1.0 (front and back) have signed the waiver and consent.</li> </ul>
Entry Setting Hearing and Ordering Notice (129.3)
<ul style="list-style-type: none"> <li>- A hearing will be set if all waivers are not received or if the name(s) and/or addresses of the next of kin or beneficiaries are unknown.</li> </ul>
Waiver of Notice / Consent (29.4)
<ul style="list-style-type: none"> <li>- All parties who are listed on the front and back of Form 1.0 are entitled to be notified of the application to Release of Medical Records and Medical Billing Records.</li> <li>- You must either obtain a waiver from each individual (29.4), perfect certified mail notice (29.3) on each individual, or complete notice by publication (if addresses are unknown).</li> </ul>

Notice of Application to Release Medical Records and Medical Billing Records (29.3)

- If certified mail notice is used, present certified mail return (green card), a copy of the notice that was sent to each individual, and an affidavit stating that certified mail was completed to the Magistrate assigned to your case.
- Certified mail should not be sent until the Release of Medical Records and Medical Billing Records has been filed and a hearing set.
- The affidavit in proof of service may be obtained from the Information Desk (H.C. 200.10)

Publication of Notice/Proof of Publication

- Publication is required and a hearing is set if the name(s) and/or addresses are unknown of the next of kin.
- You must prepare an affidavit of unknown next of kin/unknown whereabouts, Entry Ordering Publication, and a Notice of Publication for the Court Index Press.

Entry Authorizing Release of Medical Records and Medical Billing Records (29.1)

- Complete the form - fill in name of decedent.
- Magistrate will sign.

Report on Receipt of Medical Records and Medical Billing Records (29.2)

- Complete form with the decedent's name, applicant's name, and check appropriate box about the estate.
- This form is due 3 months from the date the entry authorizing was approved by the magistrate.

**STEP 3: ASSIGNING MAGISTRATE AND REVIEWING FORMS**

When all forms have been completed, present them to the magistrates' assistant at the information desk on the 9<sup>th</sup> Floor of Probate Court and a magistrate will be assigned. All forms are then taken to a magistrate for review and setting of hearing date or approving of the Authorizing Release of Medical Records and Medical Billing Records (if all your forms are in order and waivers have been obtained).

**STEP 4: FILING OF PAPERS WITH CASHIER**

All forms are then taken to the cashier who will assign a case number. At this time, the cashier will require the payment of the filing fee. The cashier will retain all the original forms (except when a hearing date is set; then the cashier will stamp the case number on all forms and return the originals that were unable to be filed back to you to bring to Court the day of the hearing):

- If the magistrate ordered Publication (5.4) the cashier will stamp the case number on the form and place it in a box for Court Index to pick up.
- If no hearing is required, the magistrate may immediately approve the Authorizing Release of Medical Records and Medical Billing Records. If that occurs, the cashier will clock in the original, make the amount of requested copies and certify the copies of the entry for you. Fees may apply for additional copies.

**STEP 5: DAY OF HEARING (IF ONE WAS SET)**

**At the date and time of the hearing, you should report to the 9<sup>th</sup> Floor of the Probate Court to the magistrate's assistant at the information desk. Ask where you should go for the hearing. The assigned magistrate will already have the file with the papers you initially filed.** The magistrate will make sure the publication has been returned from the Cincinnati Court Index (if publication was ordered), waivers and/or notices have been filed and any thing else that was missing at the time of filing. The magistrate will sign the Entry Authorizing Release of Medical Records and Medical Billing Records. As in Step 3; the cashier will make the certified copies off the original entry.