

Health Information Compliance Alert

Enforcement News: Don't Expect Any Let Up on Right of Access Enforcement This Summer

It's clear the HHS Office for Civil Rights (OCR) wasn't kidding when the agency made patients' rights to access their medical records an agency priority in 2019.

Details: On June 2, OCR announced its 19th settlement as part of its Right of Access Initiative. West Virginia-based Diabetes, Endocrinology & Lipidology Center, Inc. (DELC) settled potential Right of Access violations by agreeing to pay the feds \$5,000. Additionally, DELC, which provides services to patients suffering from endocrine disorders, also submitted to a 2-year corrective action plan (CAP) and OCR monitoring, an OCR release indicates.



After a parent filed a complaint concerning a request for a copy of her child's medical records in August 2019, OCR opened an investigation. A potential HIPAA Right of Access violation was uncovered during the OCR's investigation, and "DELC provided the requested records in May 2021, nearly two years after the parent's request," the release says.

"It should not take a federal investigation before a HIPAA covered entity provides a parent with access to their child's medical records," cautions Acting OCR Director **Robinsue Frohboese** in a release on the settlement. "Covered entities

Review the case particulars, including a link to the resolution agreement, at www.hhs.gov/about/news/2021/06/02/ocr-settles-nineteenth-investigation-hipaa-right-access-initiative.html?language=en.