

## Health Information Compliance Alert

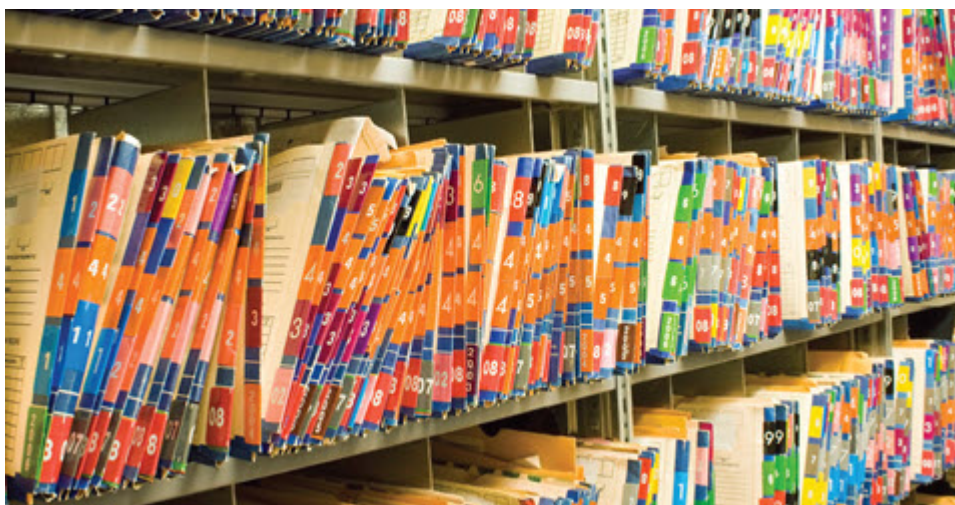
### Enforcement News: OCR Continues to Focus on Right of Access Violations

If your patients ask for a copy of their medical files, you don't want to drag your feet on handing over that protected health information (PHI).

**Why?** Eleven recent Right of Access cases show that the feds remain fixated on patients' rights to their records in a timely manner.

**Details:** On July 15, the HHS Office for Civil Rights (OCR) reported that it had resolved 11 Right of Access violations, ranging from small settlements to massive ones. In September 2019, OCR instituted its Right of Access Initiative and has steadily been investigating violations - and enforcing this particular HIPAA provision.

"It should not take a federal investigation before a HIPAA covered entity provides patients, or their personal representatives, with access to their medical records," said OCR Director **Lisa J. Pino** in a release on the resolutions. "Health care organizations should take note that there are now 38 enforcement actions in our Right of Access Initiative and understand that OCR is serious about upholding the law and peoples' fundamental right to timely access to their medical records."



The case settlements ranged from the following, according to the resolutions:

- Massachusetts-based Danbury Psychiatric Consultants (DPC) didn't move quickly enough in its response to a patient's request for their records. In fact, DPC "withheld the complainant's access on the basis that the complainant had an outstanding balance and required a signed request or authorization request," the release notes. The practice will pay OCR \$3500 to settle the violation and institute policies as part of corrective action plan (CAP) with the agency.
- The non-profit hospital system, Memorial Hermann Health System, which operates 17 hospitals across Southeast Texas, ignored five separate requests for medical and billing records from a patient. In addition to a CAP, Memorial Hermann also agreed to pay OCR \$240,000 to resolve Right of Access violations.

View more cases and the resolutions at

[www.hhs.gov/about/news/2022/07/15/eleven-enforcement-actions-uphold-patients-rights-under-hipaa.html](http://www.hhs.gov/about/news/2022/07/15/eleven-enforcement-actions-uphold-patients-rights-under-hipaa.html).

