

## Health Information Compliance Alert

### Enforcement News: OCR Settles 3 More Right of Access Cases

#### Dentists are the most recent offenders.

The HHS Office for Civil Rights (OCR) continues to prioritize patients' rights to their records. See the latest update.

**Details:** Even though OCR seems to be slowly increasing its junket of investigations and settlements as the COVID dust settles, there's one area the agency has continued to target: HIPAA Right of Access. Since OCR began the Right of Access initiative in September 2019, it has settled 41 violations, announcing the most recent ones on Sept. 20.

"These three Right of Access actions send an important message to dental practices of all sizes that are covered by the HIPAA Rules to ensure they are following the law," said OCR Director **Melanie Fontes Rainer** in a release on the cases. "Patients have a fundamental right under HIPAA to receive their requested medical records, in most cases, within 30 days. I hope that these actions send the message of compliance so that patients do not have to file a complaint with OCR to have their medical records requests fulfilled."



Here's a look at the three cases, according to an OCR release:

**Partial files:** After a patient received only portions of her medical record from the Chicago-based Family Dental Care, P.C. (FDC) in August 2020, she filed a complaint with the feds. An investigation ensued, but it took FDC more than five months to hand over the records to the patient. OCR found a potential Right of Access violation, which FDC settled with a \$30,000 fine and a corrective action plan (CAP).

**Copying fees:** Georgia-based dental and orthodontics provider, Great Expressions Dental Center of Georgia, P.C. (GEDC-GA), garnered a complaint after charging a patient a \$170 copying fee for her medical records in November 2020. "The individual first requested her records in November 2019, but did not receive them until February 2021, over a year later," the release explains. Failure to turn over the records combined with the big copying snafu landed GEDC-GA with a \$80,000 settlement. The firm was also required to implement a CAP.



**Minor child's records:** Paradise Family Dental in Las Vegas, Nevada, settled with OCR for failing to deliver a minor's records to the parents in a timely manner and agreed to pay \$25,000 and enter into a CAP for the potential violation. "The mother submitted multiple record requests between April 11, 2020, and December 4, 2020, but Paradise did not send the records until December 31, 2020, more than eight months after her initial request," the OCR brief mentions.

Review the cases and resolutions at

[www.hhs.gov/about/news/2022/09/20/ocr-settles-three-cases-dental-practices-patient-right-access-under-hipaa.html](https://www.hhs.gov/about/news/2022/09/20/ocr-settles-three-cases-dental-practices-patient-right-access-under-hipaa.html).