



OCR SETTLEMENT EMPHASIZES IMPORTANCE OF PATIENT ACCESS TO INFORMATION

On September 9, 2019, the Department of Health and Human Services, Office of Civil Rights (“OCR”) announced that Bayfront Health - St. Petersburg, a 480-bed Florida hospital (the “Hospital”), paid \$85,000 to settle an investigation regarding the Hospital’s failure to provide one patient with timely access to her medical records. In its press release, the OCR emphasized that this settlement is consistent with its Patient Access Initiative, which was announced earlier this year. As part of this initiative, OCR is committed to vigorously enforcing the rights of patients to receive their medical records promptly and without being overcharged.

The investigation that prompted this settlement was initiated when a patient complained to the OCR on August 14, 2018 that the Hospital had not provided her complete copies of her baby’s fetal monitoring strips even though the patient had started making written requests for the information as early as October 18, 2017. After the OCR initiated in an investigation, the patient was finally provided a copy of the requested records on February 17, 2019.

To date, the majority of HIPAA settlements that have been reported have stemmed from unauthorized access to or disclosure of Protected Health Information. This most recent settlement is a reminder that Covered Entities, and, if applicable, their Business Associates need to comply with all facets of HIPAA, including requirements for patient access to information. In particular, Covered Entities should be reviewing their patient access policies and confirming with their Health Information Management (“HIM”) Departments and Release of Information (“ROI”) vendors, if applicable, that HIPAA requirements for patient access, including limitations on charges, are being followed.

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If you have any questions about your obligations, please call the [Garfunkel Wild attorney](#) with whom you regularly work.

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