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OCR Settles Ninth Investigation in HIPAA Right of Access Initiative

The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) announces that it has settled its ninth enforcement action in its HIPAA Right of Access Initiative. OCR announced this initiative as an enforcement priority in 2019 to support individuals' right to timely access to their health records at a reasonable cost under the HIPAA Privacy Rule.

NY Spine Medicine (NY Spine) has agreed to take corrective actions and pay \$100,000 to settle a potential violation of the HIPAA Privacy Rule's right of access standard. NY Spine is a private medical practice specializing in neurology and pain management with offices in New York, NY, and Miami Beach, FL.

In July 2019, OCR received a complaint from an individual alleging that beginning in June 2019, she made multiple requests to NY Spine for a copy of her medical records. NY Spine provided some of the records, but did not provide the diagnostic films that the individual specifically requested. OCR initiated an investigation and determined that NY Spine's failure to provide timely access to all of the requested medical records was a potential violation of the right of access standard. As a result of OCR's investigation, the complainant received all of the requested medical records in October 2020.

"No one should have to wait over a year to get copies of their medical records. HIPAA entitles patients to timely access to their records and we will continue our stepped up enforcement of the right of access until covered entities get the message," said Roger Severino, OCR Director.

In addition to the monetary settlement, NY Spine will undertake a corrective action plan that includes two years of monitoring. The resolution agreement and corrective action plan may be found at: <https://www.hhs.gov/sites/default/files/ny-spine-ra-cap.pdf> - PDF.

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<https://www.hhs.gov/about/news/2020/10/09/ocr-settles-ninth-investigation-hipaa-right-access-initiative.html>