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OCR Settles Eleventh 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 its eleventh settlement of an 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.

Dr. Rajendra Bhayani, who is a private practitioner specializing in otolaryngology in Regal Park, New York, has agreed to take corrective actions and pay \$15,000 to settle a potential violation of the HIPAA Privacy Rule's right of access standard.

In September 2018, OCR received a complaint alleging that Dr. Bhayani failed to provide a patient with access to her medical records following her request in July 2018. OCR responded by providing Dr. Bhayani with technical assistance on complying with HIPAA's Right of Access requirements and closed the complaint. In July 2019, however, OCR received a second complaint alleging that Dr. Bhayani still had not provided the complainant with access to her records. OCR determined that Dr. Bhayani's failure to provide the requested medical records was a potential violation of the HIPAA right of access standard. As a result of OCR's investigation, the complainant received a complete copy of her medical records in September 2020.

"Doctor's offices, large and small, must provide patients their medical records in a timely fashion. We will continue to prioritize HIPAA Right of Access cases for enforcement until providers get the message," said Roger Severino, OCR Director.

In addition to the monetary settlement, Dr. Bhayani will undertake a corrective action plan that includes two years of monitoring. A copy of the resolution agreement and corrective action plan can be found [here - PDF](#)*

* People using assistive technology may not be able to fully access information in this file. For assistance, contact the HHS Office for Civil Rights at (800) 368-1019, TDD toll-free: (800) 537-7697, or by emailing OCRMail@hhs.gov.

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