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Contact: HHS Press Office
202-690-6343
media@hhs.gov

OCR Settles Seventeenth Investigation in HIPAA Right of Access Initiative

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

The Arbour, Inc., doing business as Arbour Hospital ("Arbour"), has agreed to take corrective actions and pay \$65,000 to settle a potential violation of the HIPAA Privacy Rule's right of access standard. Arbour is located in Massachusetts and provides behavioral health services.

In July 2019, a complaint was filed with OCR alleging that Arbour failed to take timely action in response to a patient's records access request made in May 2019. OCR provided Arbour with technical assistance on the HIPAA Right of Access requirements. Later, in July 2019, OCR received a second complaint alleging that Arbour still had not responded to the same patient's records access request. OCR initiated an investigation and determined that Arbour's failure to provide timely access to the requested medical records was a potential violation of the HIPAA right of access standard, which requires a covered entity to take action on an access request within 30 days of receipt (or within 60 days if an extension is applicable). As a result of OCR's investigation, Arbour provided the patient with a copy of their requested records in November 2019, more than 5 months after the patient's request.

"Health care providers have a duty to provide their patients with timely access to their own health records, and OCR will hold providers accountable to this obligation so that patients can exercise their rights and get needed health information to be active participants in their health care," said Acting OCR Director Robinsue Frohboese.

In addition to the monetary settlement, Arbour will undertake a corrective action plan that includes one year of monitoring. A copy of the resolution agreement and corrective action plan may be found at <https://www.hhs.gov/sites/default/files/arbour-racap.pdf> - PDF.*

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