

FOR IMMEDIATE RELEASE
September 10, 2021

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

OCR Resolves Twentieth Investigation in HIPAA Right of Access Initiative with \$80,000 Settlement

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

Children's Hospital & Medical Center (CHMC) has agreed to take corrective actions and pay \$80,000 to settle a potential violation of the HIPAA Privacy Rule's right of access standard. CHMC is located in Omaha, Nebraska, and provides pediatric health care services.

In May 2020, a parent filed a complaint with OCR alleging that CHMC had failed to provide her with timely access to her minor daughter's medical records. CHMC provided some records but did not provide all of the requested records to the parent's multiple follow-up requests.

OCR initiated an investigation and determined that CHMC'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, the parent finally received all of the requested records.

"Generally, HIPAA requires covered entities to give parents timely access to their minor children's medical records, when the parent is the child's personal representative. OCR's Right of Access Initiative supports patients' and personal representatives' fundamental right to their health information and underscores the importance of all covered entities' compliance with this essential right," said Acting OCR Director Robinsue Frohboese.

In addition to the monetary settlement, CHMC 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/hipaa/for-professionals/compliance-enforcement/agreements/chmc-ra-cap/index.html>.

###