

Summary of 11 Enforcement Actions Announced in July

Type of Covered Entity	Location	Financial Impact	Summary
Psychiatric practice	Massachusetts	\$3,500	The practice failed to respond to an individual’s access request for almost 6 months. The practice improperly withheld access because the individual had an outstanding balance. The practice provided access after OCR initiated its investigation. The practice agreed to a CAP and paid a settlement. Notably, the complaint was filed only 3 days after the access request was made.
Dental practice	Maryland	\$5,000	The practice failed to provide timely access to a patient’s medical record. The practice agreed to a CAP and paid a settlement.
Ear, nose, and throat practice	Florida	\$20,000	The practice failed to provide access to medical records after multiple requests from a patient. The practice did not provide the medical records until approximately 5 months from the original request. The practice agreed to a CAP and paid a settlement.
Ophthalmology practice	New York	\$22,500	The practice failed to provide a patient with timely access to medical records. It took the practice nearly 5 months to respond to the initial request. The practice agreed to a CAP and paid a settlement.
Family medicine practice	Nebraska	\$30,000	The practice failed to provide timely access to medical records despite three separate requests by the same patient. The practice claimed the failure was due to a former workforce member’s misunderstanding of an individual’s access rights under HIPAA. As a result of OCR’s investigation, the practice sent the complete designated record set to the patient. The practice agreed to a CAP and paid a settlement.
Public benefit corporation that operates a hospital	New York	\$50,000	The corporation failed to timely provide an individual with a complete copy of their medical records. During OCR’s investigation, the corporation provided the records. The corporation agreed to a CAP and paid a settlement. Notably, the complaint was filed by the patient’s spouse and not the patient.
Nursing facility	Massachusetts	\$55,000	The facility failed to provide a parent with timely access to her son’s medical records. It took almost 7 months for the facility to provide the requested records. The facility agreed to a CAP and paid a settlement.
Non-profit health system	Massachusetts	\$55,000	The system failed to provide a personal representative with medical records on the mistaken basis that the durable power of attorney (“POA”) submitted by the personal representative did not allow for the provision of medical records. Upon receiving notification of OCR’s investigation, the system reviewed the POA and provided the records approximately 4 months after the initial request. The system agreed to a CAP and paid a settlement.

Surgical group practice	Texas	\$65,000	The practice failed to provide an individual with timely access to their health information. It took the practice over a year to produce the requested information. The practice agreed to a CAP and paid a settlement.
Podiatry practice	Illinois	\$100,000	The practice refused to provide an individual with medical records based on grounds that the individual had not paid the bill for health care services. OCR issued technical assistance to the provider. Despite multiple follow-ups from the individual, the provider continued to not provide the requested records and the individual filed a second complaint with OCR. The provider failed to respond to requests from OCR and cooperate with the investigation. Consequently, OCR issued a Notice of Proposed Determination warning the practice that it was proposing a CMP. Due to the practice's uncorrected willful neglect, OCR could have implemented a CMP of \$3,571,302. However, OCR used its discretion and considered the impact of the COVID-19 public health emergency on the healthcare industry and reduced the proposed CMP. With no response or appeal from the practice, OCR issued a Notice of Final Determination and imposed a CMP of \$100,000.
Non-profit health system	Texas	\$240,000	The system failed to respond to five access requests by an individual over a 6-month period for medical records and billing records, including an itemized statement. The system did not provide access until 564 days after initial request. The system agreed to a CAP and paid a settlement.