

Report on Patient Privacy Volume 21, Number 10. October 14, 2021 First Children’s Hospital Gets Caught In Access Initiative; Cases Reach 20

By Theresa Defino

As former HHS Office for Civil Rights Director Roger Severino had predicted,^[1] OCR has issued six records access settlements this year, continuing with the initiative he began in 2019. Last month, OCR announced its most recent settlement, for the first time involving a children’s hospital.^[2]

On Sept. 10, OCR announced an agreement with Children’s Hospital & Medical Center (CHMC) of Omaha, Nebraska. It is the 20th in OCR’s Right of Access Initiative.

The hospital will follow a one-year corrective action plan (CAP) and pay \$80,000, the fifth largest amount that OCR has collected from a single entity as part of the initiative.

At issue, according to OCR, was a mother’s inability to get a copy of her late daughter’s medical record. The hospital failed to provide the mother, who was the minor child’s personal representative, “timely access” to the information.

OCR provided few details about what led to the \$80,000 settlement other than it took a parent six months to receive medical records. According to the settlement agreement, which refers to the mother as the complainant,^[3] “HHS’s investigation found that on January 3, 2020, Complainant submitted a written request to CHMC for access to her late minor daughter’s medical records. At the time of the request, CHMC provided Complainant with a portion of the requested records. The remainder needed to be collected from another CHMC division. Complainant received the remaining records on June 20, 2020 and July 16, 2020.”

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