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By Nina Youngstrom

◆ The HHS Office for Civil Rights (OCR) said Sept. 15 it has settled five more investigations^[1] in its HIPAA Right of Access Initiative.^[2] The largest-dollar settlement is with Beth Israel Lahey Health Behavioral Services in eastern Massachusetts, which agreed to pay \$70,000 and implement a corrective action plan. OCR said it got a complaint in April 2019 alleging Beth Israel Lahey didn't respond to a February 2019 request from a personal representative for access to her father's medical records. OCR investigated and found the failure to produce the medical records was a potential violation of HIPAA's right of access standard. In response to the investigation, Beth Israel Lahey sent the records to the personal representative. OCR said its Right of Access Initiative is an "enforcement priority" that's designed to help people get "timely access to their health records at a reasonable cost." There have been a couple other settlements under the Right of Access Initiative, including with Bayfront Health St. Petersburg in Florida, which paid \$85,000. The new crop of settlements are "a reminder that OCR announced an initiative on patient access and are a harbinger of what's to come" in terms of HHS's continued push to ensure people have control over their medical records, said attorney Thora Johnson, with Venable in Baltimore, Maryland. She sees problems in this area, although they tend to focus on providers charging more than reasonable fees for access. Contact Johnson at tajohnson@venable.com.

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