

Report on Patient Privacy Volume 18, Number 12. December 31, 2018 Allergist's Dismissal of Patient With Dog, Press Call Afterward Cost \$125K Payment to OCR

By HCCA Staff

Danyelle Carter, who has asthma and fibromyalgia, was assured that it was okay to bring Ziva, her service dog, to the office of her allergist. Although the doctor had been treating Carter, then 24, for several years, she'd only just gotten the yellow lab-golden retriever mix. She phoned ahead and later asked again during the call confirming her appointment. Carter says she was promised there would be no problem.

But before she was even taken to an exam room that day in February 2015, Dr. Michael Krall came out to the waiting area and "flipped out," Carter says in an exclusive interview with *RPP*, and "just kept yelling" that she couldn't stay with the dog and they both had to leave. He called her "rude and obnoxious," she says. Carter even brought paperwork explaining her rights and the purpose of the dog, but Krall said that "it is his office and he gets to make the rules," says Carter.

"I felt like I was being degraded and attacked...I just tried to do everything I could not to cry in front of him," says Carter. Once home, she did weep, but then, on the suggestion of others with service dogs, Carter decided to contact a TV journalist to tell her story. She also filed a complaint with the Department of Justice (DOJ) because she believed Krall had violated the Americans with Disabilities Act (ADA) by denying her care due to her service dog. After learning that Krall had also discussed her medical issues with the reporter she contacted, Carter also submitted a complaint of a privacy violation to the HHS Office for Civil Rights (OCR).

Three years later, Carter feels at least partly vindicated: OCR announced Nov. 26 that it had reached a \$125,000 settlement with Krall's practice, Allergy Associates of Hartford PC, over alleged HIPAA violations committed by a workforce member. Although not identified by OCR, Krall is that workforce member. The practice, which did not admit to any wrongdoing, also agreed to implement a two-year corrective action plan (CAP).

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