

## Report on Medicare Compliance Volume 29, Number 9. March 09, 2020

### OCR Focuses on Patient Access, Security Rule Compliance; 'Hacking is Greatest Data Breach'

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By Nina Youngstrom

Complaints continue to roll into the HHS Office for Civil Rights (OCR) from patients who are unable to get their medical records at all or on time from covered entities. Some patients also are hit with unreasonable fees or have had their records withheld over unpaid bills, OCR officials said at the National HIPAA Summit in Arlington, Virginia, on March 3. That's why patient access will continue to be an enforcement priority for 2020.

Patients seem to know they're entitled to their protected health information (PHI). "When you ask most people, they are aware of two sets of rights under the law: [the] Miranda [warning] and HIPAA," said Serena Mosley-Day, OCR's senior advisor for HIPAA compliance and enforcement. "They have in common that people are not always correct in what their rights are and don't always know whom they apply to and when, but they will protest loudly" if they think they're violated.

OCR announced its Right of Access Initiative in 2019, and so far there have been two settlements—Bayfront Health St. Petersburg<sup>[1]</sup> and Korunda Medical LLC.<sup>[2]</sup> "We elevated that last year and it will continue until we see greater compliance and a reduction in the complaints we receive," said Timothy Noonan, OCR's deputy director of health information privacy. "The work we are doing is guided by the stories we hear, the comments we receive and our experiences in enforcement."

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