

Report on Patient Privacy Volume 24, Number 4. April 11, 2024 Despite 'Error Promptly Rectified,' Nursing Home Pays \$100K for Tardy Access

By Nina Youngstrom

Earlier this month, the HHS Office for Civil Rights (OCR) announced it had imposed a \$100,000 fine on a skilled nursing facility for providing a patient's records to her son nearly six months after his request. However, the firm that owned the New Jersey facility at the time of the request decried as "highly unfortunate" the agency's "insistence on a punitive outcome in this matter...particularly given the circumstances during the COVID-19 pandemic."

OCR announced the civil money penalty against Essex Residential Care LLC, operating as Hackensack Meridian Health, West Caldwell Care Center (WCCC), on April 1; however, it was finalized in January.^[1] It is the 38th enforcement action in its Right of Access Initiative and is in keeping with a case it settled in August for \$80,000; it, too, involved a single access request stymied during the pandemic.

"While we no longer own WCCC, we acknowledge and fully support the Office for Civil Rights' efforts to ensure patients' access to their health records," Hackensack officials said in a statement. "WCCC personnel, who tirelessly navigated the challenges of the COVID-19 pandemic, made a mistake of good faith during a records access request amid the crisis, which put an unprecedented strain on staffing."

They added that the "error was promptly rectified upon WCCC's awareness. We are fully committed to complying with all federal laws and regulations and promptly ensuring that our patients have their requested medical records."

WCCC took 161 days to send medical records to the patient's son. OCR was unmoved by WCCC's arguments that it was amid a lawsuit with the mother and son and the throes of the COVID-19 pandemic, according to OCR's notice of final determination.

This document is only available to subscribers. Please log in or purchase access.

[Purchase Login](#)