


Lessons Learned from Patient Right of Access Penalties



Best Practices to Help You Avoid HIPAA Violations

As of December 21, 2021, there have been 25 actions and civil monetary penalties issued for violations of the HIPAA Right of Access requirements. Learn from these actions so you ensure compliance and avoid penalties.

Lesson 1 Do your due diligence and have your own policy on how to deal with OCR technical assistance **10 fines ranging from \$3,500 to \$100,000**


HOT TIP  Document any conversation with the patient, so you can show that you've done your due diligence!

Lesson 2 Ensure you provide the correct information to the patient representative **2 fines ranging from \$5,000 to \$70,000**

Lesson 3 Ensure staff understands, knows the location of all the elements and has access to all the Designated Record Set (DRS) **4 fines ranging from \$75,000 to \$100,000**

Lesson 4 Ensure records are provided in the right form and format **1 fine \$85,000**

Lesson 5 Understand the importance of timeliness of access – most penalties are related to timeliness! **5 fines ranging from \$30,000 to \$160,000**

HOT TIP  OCR could close a case out through technical assistance, but that does not mean that your responsibility has ended. It's imperative that you investigate what prompted the patient to file that complaint, and decipher any gaps that remain open!

Lesson 6 Understand how to use Denial of Access **1 fine \$15,000**

Lesson 7 Ensure your facility forms are clear **1 fine \$160,000**

Lesson 8 Watch out for patient fees – ensure your patient fees are compliant **1 fine \$10,000**



Best practices to avoid OCR violations:

- All technical assistance should be investigated thoroughly.
- Staff should understand the location and how to obtain copies in your Designated Record Set.
- Understand a patient's personal representative and who has a right to their information.



Watch the Webinar Recording [Here](#)



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