

Good morning-

The Office for Civil Rights issued a guidance document this week addressing patients' rights of access to their PHI. The full document is available at: <http://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html>.

Of particular interest in the document is the following guidance on what OCR considers to be unreasonable practices by providers with regard to how patients request access to their records and verify their identity. **Please review this against your HCC's current practices for how patients request their records and let me know if you have any questions or would like me to review your practices.**

Unreasonable Measures

While the Privacy Rule allows covered entities to require that individuals request access in writing and requires verification of the identity of the person requesting access, a covered entity may not impose unreasonable measures on an individual requesting access that serve as barriers to or unreasonably delay the individual from obtaining access. For example, a doctor may not require an individual:

- Who wants a copy of her medical record mailed to her home address to physically come to the doctor's office to request access and provide proof of identity in person.
- To use a web portal for requesting access, as not all individuals will have ready access to the portal.
- To mail an access request, as this would unreasonably delay the covered entity's receipt of the request and thus, the individual's access.

While a covered entity may not require individuals to request access in these manners, a covered entity may permit an individual to do so, and covered entities are encouraged to offer individuals multiple options for requesting access.

Thank you for your help with HIPAA Privacy compliance.

Jill

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