

TEMPLATE 06 · MYCHARTCOUNT GUIDE

Follow-Up (Deadline Missed)

WHEN TO USE

When more than 30 days have passed since your original request and you have not received your records (or received only partial records, or received an inappropriate denial). This letter is the formal notice that you intend to escalate.

This letter alone often resolves the issue — most provider compliance offices know what comes next (an OCR complaint), and fix the issue immediately to avoid it.

[Your Full Legal Name]

[Your Street Address]

[City, State ZIP]

[Phone] · [Email]

[Today's Date]

[Provider, Hospital, Insurer, or Pharmacy Name]

Attn: HIPAA Privacy Officer / Compliance Officer

[Their Address]

[City, State ZIP]

Re: SECOND NOTICE — Failure to Respond to Access Request

Original Request Date: [date you sent the first letter]

Patient: [Your Full Legal Name]

Date of Birth: [Your DOB]

To Whom It May Concern,

On [original request date], I submitted a written request for access to my Protected Health Information under HIPAA's Right of Access (**45 CFR § 164.524**) and the **21st Century Cures Act** (45 CFR Part 171). A copy of that original request is attached.

As of today's date, [today's date], more than 30 days have passed and:

- I have received no response at all.
- I have received only partial records.
- I have been quoted unreasonable fees that violate HHS guidance on cost-based fees.
- I have been required to use a process that creates unreasonable barriers to my access.
- I have been denied access without a written explanation citing a specific HIPAA exception.

This response is not compliant with federal law. Specifically:

- HIPAA (45 CFR § 164.524(b)(2)) requires that I receive my records within 30 days of the original request.
- HHS guidance is explicit that providers may not charge for retrieval time or standard search, and may charge no fee at all for records delivered through a Certified EHR.
- The 21st Century Cures Act information blocking rule (45 CFR Part 171) prohibits any practice that interferes with my access to my electronic health information.
- Failure to comply may constitute "information blocking" subject to enforcement by the HHS Office of the National Coordinator (ONC) and a violation of HIPAA subject to enforcement by the HHS Office for Civil Rights (OCR).

I am giving you 14 days from the date of this letter to:

1. Provide the complete records I originally requested, in the electronic format I specified, AND 2. Provide a written explanation, if any fees are charged, of how those fees comply with **45 CFR § 164.524(c)(4)** and HHS guidance.

If I have not received a satisfactory response by [date 14 days from today], I will file the following complaints:

- HHS Office for Civil Rights (OCR) HIPAA Right of Access complaint:
<https://www.hhs.gov/hipaa/filing-a-complaint/>
- HHS Office of the National Coordinator (ONC) Information Blocking complaint:
<https://inquiry.healthit.gov/>
- [State attorney general consumer protection division, if applicable in your state]
- [State medical board, if applicable]

OCR has announced 54 enforcement actions under its Right of Access Initiative since 2019, with penalties from \$16,500 to over \$200,000. I would prefer this matter be resolved without escalation.

Please respond to me at [phone] or [email].

Sincerely,

[Your Signature]

[Your Printed Name]

[Date]