

Fax
(888) 747-7074
dpaletta@att.net

DAVID R. PALETTA
ATTORNEY AT LAW
213 Landsbury Drive
Durham, North Carolina 27707

Phone
(919) 491-5643
www.paletta.org

DATE via US Mail and facsimile to _____

Office Manager
NAME
ADDRESS

Re: _____ **DOB:** _____

Dear Sir or Madam:

I received your _____ denial of my client's written request of _____ for medical records pursuant to 42 U.S.C. §17935 (e) (1) (also known as the HITECH Act). Your denial states a HIPAA authorization must be submitted. Your denial indicates you do not know the difference between a HIPAA request and a HITECH request.

Pursuant to 45 C.F.R. §164.524 (b) (2) (i) you had 30 days to comply with the HITECH request. Consequently, you are now subject to penalties for violation of federal law.

The HITECH law only applies to electronic records. I assume _____ has electronic records. If you do not have electronic records please notify me.

The HITECH Act is not a new law and I find it hard to believe that _____ and _____ are not aware of this law. Please note that _____ is liable for this violation of federal law, regardless of whether you use a copying service.

Since you appear unaware of the HITECH Act, I have enclosed copies of the relevant federal authority for your review.

Please send me the requested records in electronic format. If I do not receive these records within 10 days from the date of this letter, I will have no alternative but to file a complaint with the North Carolina Medical Board and the Office of Civil Rights of the US Department of Health and Human Services.

Sincerely yours,

David R. Paletta
Attorney at Law

DRP/gh