**PURPOSE**

To ensure appropriate retention of Protected Health Information (“PHI”) contained in a Designated Record Set.

**POLICY**

* PHI contained in the Designated Record Set will be retained according to state and federal regulations, whichever require retention for the longer period of time.
* PHI, including medical and financial records contained in the Designated Record Set, will be retained for a minimum of **six** years, as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.
* In the absence of state law specifying a greater retention period, medical records must be retained for at least **six** years.
* For minor residents (persons who have not reached full legal age), medical records must be retained for **three** years after the minor reaches legal age under state law or **six** years from the date of discharge, whichever is longer.
* Medical records in connection with which there may be pending litigation may be exempt from scheduled destruction at the discretion of [COVERED ENTITY].
* If state laws and regulations require a greater retention time period, the greater will be followed.

**PROCEDURE**

1. [COVERED ENTITY] will review state laws and regulations to determine Medical Record retention period and “legal age.”
2. If state laws or regulations require a different retention period, the greater retention period will be followed.
3. [COVERED ENTITY] will store the records until the retention period has expired. Records must be stored in a secure manner. The records must be protected from unauthorized access and accidental/wrong destruction.
4. At the expiration of the retention period, the Medical Records will be destroyed. Records should be destroyed annually in accordance with the retention time frames.