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**Record Retention Policy**

**Introduction:**

Healthcare practices generate and maintain many different types of records including health records and business records. Because of their important role, records need to be appropriately maintained and managed throughout their lifecycle – from creation to destruction. The purpose of this policy is to ensure that necessary records and documents are adequately protected and maintained and to ensure that records that are no longer needed by St. Martin’s Healthcare (SMHC) or are of no value are discarded at the proper time.

**General:**

1. All records received by SMHC are the property of SMHC. No staff or board person has any personal or property right to the records even though he or she may have helped develop or compile the records.

2. The unauthorized destruction, removal or use of such records from the facility is prohibited.

a. **Exception:** Charts may be taken out of the clinic to the clinic medical director or clinic dental director for chart reviews and audits and will promptly be returned. It will be documented by the front office staff which charts are taken for review/audit and when they are returned.

3. No one may falsify or inappropriately alter information in any record or document.

**Patient Records:**

Patient health records are an important part of patient care. They provide essential information, historical details about the course of care, and a record of services provided. Accurate and thorough records may play a crucial role in defending a malpractice claim. Physicians have an obligation to retain patient records which may reasonably be of value to a patient. The following guidelines are offered to assist in meeting the ethical and legal obligations:

Indiana law (IC 16-39-7-1) requires all healthcare providers to maintain patients’ original health records for at least seven (7) years.  Pediatric records (minors) should be maintained at least through the seven (7) years after the child reaches the age of eighteen (18).

Indiana has a specific statute of limitations for medical malpractice lawsuits, and it can be found at Indiana Code section 34-18-7-1, which gives a potential medical malpractice plaintiff two years to get their medical malpractice lawsuit started.

Records should be kept indefinitely in riskier situations, including where there is an undesirable outcome, where the patient was or might have been legally incompetent at the time of treatment or becomes legally competent thereafter (including cases involving brain damage, Alzheimer's Disease and other mental and emotional disabilities), when a patient is unhappy with a result or any time a patient threatens or files a lawsuit.

**Destruction of Records:**

Before discarding old records, patients should be given an opportunity to claim the records or have them sent to another physician, if it is feasible to give them the opportunity.

Any confidential records to be destroyed including medical records and confidential financial or employee documents will be shredded, incinerated or destroyed through a commercial document destruction firm. The method should ensure that the records are unreadable and unrecoverable.

Electronic records, like paper records, must be destroyed with a method that provides no possibility of reconstruction of information. Destruction of electronic records may involve overwriting of electronic media, magnetic degaussing, pulverizing, incinerating, cutting etc.

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| **File Category** | **Item** | **Retention Period** |
| **Communications** | Press Releases | Permanent |
|  | Annual reports | Permanent  |
|  | Other publications | 7 years |
| **Consulting Services** | Consulting Contracts Filed | 7 years after all obligations end |
| **Corporate Records** | By Laws and Articles of Incorporation | Permanent |
|  | Corporate Resolutions | Permanent |
|  | Board and committee meeting agendas and minutes | Permanent |
|  | Charitable organization statements filed with Attorney General | 7 years |
|  | Conflict of Interest Disclosure Forms | 4 years |
| **Equipment** | Equipment Maintenance Records | 10 years |
|  | Sterilization Records | 10 years |
| **Finance and Admin** | Audited Financial Statements | Permanent |
|  | Auditor management letters | Permanent |
|  | Payroll Records | Permanent |
|  | Journal Entries | Permanent |
|  | Check Register  | Permanent |
|  | Balance Sheets & Profit/Loss | Permanent |
|  | Bank Statements and Cancelled Checks | 7 years |
|  | Chart of Accounts | 7 years |
|  | Expense Reports & Petty Cash Records | 7 years |
|  | General ledgers and journals (including bank reconciliations, fund accounting by month, payouts, allocations, trust statements) | 7 years |
|  | Accounts Payable Ledger | 7 years |
|  | Investment performance reports | 7 years |
|  | Equipment files & maintenance records | 7 years after disposition |
|  | Contracts and agreements | Permanent |
|  | Correspondence - general | 3 years |
| **General Administration**  | Correspondence – chief executive and general | 7 years |
| **Grant Records** | Original grant proposal | 7 years after completion of funded program  |
| **File Category** | **Item** | **Retention Period** |
|  | Grant agreements | 7 years after completion of funded program |
|  | Final grantee reports | 7 years after completion of funded program |
|  | All evidence of returned grant funds | 7 years after completion of funded program |
|  | Documentation relating to grantee evidence of invoices and matching or challenge grants that would support grantee compliance | 7 years after completion of funded program |
|  | Grantee work produced with grant funds | 7 years after completion of funded program |
| **Human Resources** | Employee & Volunteer personnel files | Permanent  |
| **(currently held at Staff Management)** | Employee medical records | Permanent |
|  | Employee handbooks | Permanent |
|  | Worker’s comp claims (after settlement) | 7 years |
|  | Employee orientation and training materials | 7 years after use ends |
|  | Employee offer letter | 7 years after all obligation ends |
|  | Employment applications | 3 years |
|  | IRS Form I-9 (store separate from personnel file) | Greater of 1 year after service ends, or 3 years |
|  | Attendance Records | 7 years |
|  | Garnishments | 5 years |
|  | Resumes | 1 year |
| **Insurance Records** | Policies – occurrence types | Permanent |
|  | Policies – claims made | Permanent |
|  | Accident reports | 7 years |
|  | Fire Inspection reports | 7 years |
| **File Category** | **Item** | **Retention Period** |
|  | OSHA reports | 7 years |
|  | Group disability records | 7 years after end of benefits |
| **Patient Files** | All Health Records – adult | 7 years after most recent encounter |
|  | All Health Records - minor | 7 years after child reaches age of majority  |
|  | Patient Registration Forms  | 2 years or updated |
|  | Patient Proof of Income | 2 years |
| **Real Estate** | Leases (expired) | 7 years after all obligation ends |
|  | Mortgages/Security Agreements | 7 years after all obligation ends |
|  | Purchase agreements | 7 years after disposition requirement  |
| **Tax** | IRS Exemption Determination and related correspondence | Permanent |
|  | IRS Form 990 | Permanent |
|  | Withholding tax statements (W-2) | Permanent |
|  | Correspondence with legal counsel or accountants not otherwise listed | 7 years after return is filed |
|  | Timecards | 3 years |
| **Technology** | Software licenses and support agreements | 7 years after all obligations ends |