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What is the Retention Period for Medical Records?

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After reading the last *Risk E-Notes*, a number of office managers wrote to us asking about the retention of medical records. This week's edition is devoted to answering the most frequently asked question on this subject - what is the retention period for medical records?

Q: I was reading one of your articles and it mentioned to keep medical records for 10 years. I was under the impression it was for seven years. Why the difference?

A: This is an excellent question. Ironically, California law does not address length of retention for medical records maintained in physicians' offices. Originally, the well accepted time frame for the retention was seven years; however, it is now recommended, by the Cooperative of American Physicians, Inc. and the California Medical Association (CMA), that the least amount of time to retain the patient record is 10 years after the last date the patient was seen. This change is due to the Federal Fraud and Abuse laws (False Claims Act or FCA) and data collected by California professional liability carriers.

The False Claims Act allows federal, state, and local law enforcement to investigate fraud in billing for Medicare/MediCal patients. An investigation under the FCA usually includes a review of the patient's medical record. They have announced that their investigations may go back 10 years.

Additionally, data collected by professional liability carriers has indicated that 99 percent of all patient claims filed against physicians and hospitals, are filed within 10 years of the incident giving rise to the claim.

As always, minors' records should be kept for at least one year after the minor has reached the age of 18.

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