

1 (a) The health care records of any person who is not a minor
2 or not under a disability, or both, and who is under a physician's,
3 osteopath's or dentist's care, shall be retained by the custodian
4 of those records for seven years following the last date of
5 treatment or contact. The health care records of any minor shall
6 be retained for a minimum of two years following the minor's
7 attaining the age of majority or seven years following the last
8 date of treatment or contact, whichever comes later. The health
9 care records of any person under a disability shall be retained for
10 a minimum of two years following the removal of the disability or
11 seven years following the last date of treatment or contact,
12 whichever comes later. The health care records of a deceased
13 person shall be retained for a minimum of seven years following the
14 person's date of death. However, the custodian shall retain master
15 patient indices permanently.

16 (b) The health care records may be computerized or otherwise
17 copied by the use of microfilm or any other similar electronic or
18 photographic process: *Provided*, That the method used shall create
19 an unalterable record. In that event the original records may be
20 destroyed.

21 (c) Diagnostic media filed with the medical record is subject
22 to subsection (a) of this section. Diagnostic media retained
23 separately from the medical record shall be retained for at least
24 five years, after which they may be presented to the patient or
25 destroyed: *Provided*, That interpretations or separate reports of

1 diagnostic media are subject to subsection (a) of this section.

2 (d) If the custodian of any health care records subject to
3 this section ceases operation, he or she shall notify the
4 Department of Health and Human Resources in writing of the
5 arrangements it has made for retention of those health care
6 records. If the department does not approve of the arrangements,
7 it shall notify the custodian of its disapproval within thirty days
8 of receipt of the notice and shall assist the custodian in making
9 alternate arrangements of which the department approves. If the
10 custodian is succeeded by another person, compliance with this
11 section shall rest with the successor.

12 (e) Health care records may be destroyed after the retention
13 period set forth in subsection (a) of this section, or after
14 copying into an unalterable form, in a manner that will preserve
15 the confidentiality of the information in those records: *Provided,*
16 That the custodian shall retain master patient indices permanently.
17 The health care records may be destroyed by incineration, shredding
18 or pulping but may not be buried as a means of destruction and
19 shall be destroyed only in compliance with state and federal
20 environmental laws.

21 (f) Nothing in this section prohibits the retention of health
22 care records beyond the periods described in this section or
23 prohibits patient access to health care records as provided in
24 section one of this article. This section also does not negate any
25 other requirements in state or federal law.

1 (g) The following terms have the following definitions as used
2 in this section:

3 (1) "Custodian" means a physician, osteopath or dentist.

4 (2) "Diagnostic media" includes laboratory slides, paraffin
5 blocks, X-ray films, electroencephalogram tracings, video tapes,
6 fetal strips, photographs and photographic images, the results of
7 which are entered into the medical record by means of written
8 interpretation.

9 (3) "Master patient indices" means, with respect to a
10 physician, osteopath or dentist, basic information including the
11 patient's name and birth date, a list of dated diagnoses and
12 intrusive treatments and a record of all drugs prescribed or given.

13 (4) "Minor" means a person under the age of eighteen.

NOTE: The purpose of this bill is to provide time frames for retention of medical records following last dates of treatment or contact, after which time such records may be destroyed. The records would have to be retained for seven years with exceptions for minors and disabled persons. The bill limits its application to physicians, osteopaths, and dentists. The bill sets forth how records may be destroyed. The bill also defines terms.

This section is new; therefore, strike-throughs and underscoring have been omitted.