

**Department of Health
Health Systems Quality Assurance
Office of Health Professions**

Guideline

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Title:	Retention of medical records and patient notification upon closure of a practice	Number: OP04-29
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PURPOSE

To provide guidance to osteopathic physicians regarding the departure from or closure of a medical practice office.

GUIDELINE

Practitioners continue to have obligations toward patients during and after departure from, or the closing of a medical practice. Except in cases of death or other incapacity of the practitioner, practitioners may not abandon a patient or abruptly withdraw from the care of a patient. Therefore, patients should be given reasonable advance notice to allow their securing other care. It is the position of the Washington State Board of Osteopathic Medicine and Surgery (Board) that transition from a medical practice is done with a minimum of disruption to the patient.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides that patients have the right to request access to review and copy certain information in their medical records. When an osteopathic physician leaves a group practice, the patients of that physician must be notified. It is unethical to withhold the new address of the departing osteopathic physician if requested by a patient. If a physician of a group is responsible for notifying the patients rather than the group, the group should not interfere with the discharge of these duties by withholding patient lists or other necessary information to accomplish the notification.

Who is affected?

- Licensees who are in the process of retiring
- Licensees whose employment is terminated with a specific practice or when the practice is physically moved
- The estate of licensees who have died

When should the patient be notified?

- 90 days before closing or moving the practice is preferable but no later than 30 days prior to leaving a practice
- Within 90 days after a death

Which patients should be notified?

- Active patients
- Patients seen within 3 years preceding the date of closing or moving

How should notification be given?

- Individual letter at last known address
- Electronic notification

What information should be provided to the patient about retrieval of records?

- Responsible entity/agent name of contact to obtain records or request transfer of records, telephone number and mailing address
- How the records can be obtained or transferred
- How long the records will be maintained before they are destroyed
- It is unethical to withhold the address/contact information of a physician if requested by a patient
- Cost of recovering records/transferring records

For specific requirements for release of records in Washington State refer to 70.02 RCW.

How long should patient records be retained?

- 10 years after the last visit or significant contact (a recorded event in the patient's chart)
- 21 years after treating a pregnant woman
- 21 years after delivery or treatment of an infant
- 6 years after death of a patient
- Medicare/Medicaid requires original source documentation and medical records for claims to be retained for 6 years, 3 months after the bill is paid
- Verify length of time required by individual's malpractice carrier
- Verify length of time required by insurance companies

Where and how should records be maintained?

- Records should be stored to allow for lawful access and in a place that maintains confidentiality
- The responsible person, corporation, or legal entity acting in the capacity of custodian of the records must comply with and be subject to federal and/or state confidentiality laws and regulations
- Medicare/Medicaid requires patient records to be accessible if records are stored in a location other than the business address on file with those programs. Post office boxes and drop boxes are not acceptable addresses for the storage of patient records

Disposing of records

- In order to preserve confidentiality, all records should be destroyed

Storage of non-paper files

- Can be stored by an electronic data system, microfilm, or similar photographic means. Each electronic record must identify existing original document or information not included in the electronically stored record
- Paper records may only be destroyed if stored records can be reproduced without alteration from the original

In addition to patients, who might be notified of office closure/moving of practice and location of patient records?

The Board and the Washington Osteopathic Medical Association do not have the capability to store records but would only act as a resource for patients who might contact them trying to locate their records.

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