



State by State Medical Record Retention Laws: Nursing Facilities

State	Retention Period (Yrs)	Summary of Laws	Reg. Reference
Alabama	5	Clinical records must be retained for 5 years form the date of discharge when there is no requirement in state law or for a minor, 3 years after a resident reaches legal age under state law.	ADPH 420-5-10-.03(33)
Alaska	7	Facilities providing healthcare to Medicaid recipients must retain financial, clinical and other related records for 7 years from the date the service is provided.	Alaska Admin. Code Title 7, section 43.030(e)
Arizona	5	Clinical records shall be protected at all times from possible loss, damage or unauthorized use and shall be retained for 5 years from the date of discharge. If the resident is a minor, the records shall be retained for 3 years after resident reaches the age of 18.	Title 9. Health Services R9-10-912. Resident Records
Arkansas	5	Records will be retained in the facility for a minimum of 5 years following discharge or death of the resident. Resident records for minors will be kept for at least 3 years after they reach legal age of 18.	Arkansas Nursing Facilities Regs. Section 604.2
California	7	All health records of discharged patients shall be completed and filed within 30 days after discharge date and such records shall be kept for a minimum of 7 years, except for minors whose records shall be kept at least until 1 year after the minor has reached the age of 18 years, but in no case less than seven years.	CA. Code Regs. Title 22, Chap 3, § 72543
Colorado	5 (Federal)	All health records shall be completed promptly, not later than 30 days following resident discharge, filed and retained for a period of time consistent with the applicable statute of limitations and the facilities written policies.	Standards for Hospitals and Health Facilities 6 CCR 1011-1 Chapter V, Part 14.3 (Long Term Care Facilities)
Delaware	5	For the legal protection of the institution, records shall be filed for five (5) years before being destroyed.	Delaware Nursing Home Regulation 57.810 (C)
Connecticut	10	All medical records, originals or copies shall be preserved for at least ten (10) years following death or discharge of the patient.	Connecticut Agencies Regs. Section 19-13-D8t(o)5

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Florida	5	Medical records shall be retained for a period of five years from the date of discharge. In the case of a minor, the record shall be retained for three years after a resident reaches legal age under state law.	Fla. Admin. Code Ann.r. 59A-4. 118(8)(1994)
Georgia	10	A provider providing custody and control of any evaluation, diagnosis, prognosis, laboratory report, or biopsy slide in a patient's record shall retain such item for a period of not less than ten years following the date such item was created.	HB 1481/AP Section 2, (a) (1) (A)
Hawaii	7	Healthcare providers must retain medical records in the original or reproduced form for a minimum of seven years after the last data entry except in the case of minors whose records shall be retained during the period of minority plus seven years after the minor reaches the age of majority.	Haw. Rev. Stat. Section 622-58(a-f)(1992)
Idaho	7	Records shall be preserved in a safe location protected from fire, theft, and water damage for a period of time not less than seven years. If the patient/resident is a minor, the record shall be preserved for a period of not less than seven years following the patient's eighteenth birthday.	IDAPA 16, Title 03, Chapter 2, 203.04(b)
Illinois	5	<p>a) Records of discharged residents shall be placed in an inactive file and retained as follows:</p> <p>1) Records for any resident who is discharged prior to being 18 years old shall be retained at least until the resident reaches the age of 23.</p> <p>2) Records of residents who are over 18 years old at the time of discharge shall be retained for a minimum of five years.</p> <p>b) After the death of a resident, the resident's record shall be retained for a minimum of five years.</p>	Illinois Administrative Code Title 77 Section 300.1840(a)(b)
Indiana	5	Clinical records must be retained after discharge for a minimum period of one year in the facility and five years total; or for a minor, until 21 years of age.	410 IAC 16.2-3 Section 50.(4)b

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Iowa	5	Nursing facilities must keep a resident's medical record for a minimum of 5 years.	Iowa Admin. Code Iowa Admin. Code 441-81.9(2)
Kansas	5	Clinical records shall be retained according to the following schedule: At least 5 years following the discharge or death of a resident; or for a minor, five years after the resident reaches 18 years of age.	28-29-163 m (1)2 Administration Nursing facilities
Kentucky	5	(b) Retention of records. After death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is the longest.	902 KAR 20:026, Section 3,10(b)
Louisiana	6	Medical records shall be retained by a physician in the original microfilmed, or similarly reproduced form for a minimum period of six years from the date a patient is last treated by a physician or dentist.	Louisiana Revised Statutes 40:1299.96 A.(3)(a)
Maine	5/7	Nursing homes: Clinical records must be retained for the period of time required by state law or 5 years from the date of discharge, whichever is greater. For a minor, 3 years after resident reaches legal age under state law. Hospital extended services sites: Records shall be preserved, either on paper or by another electronic/optical means, for a period of seven (7) years. If patient is a minor, for at least six (6) years past the age of majority.	10-114 CMR 110-19D 10-114 CMR 112-XII.B
Maryland	5	Medical records shall be retained for a period of not less than 5 years from the date of discharge or, in the case of a minor, 3 years after the patient becomes of age or 5 years, whichever is longer.	COMAR 10.07.02.20(F)
Massachusetts	5	Long-term care facilities must keep all clinical records of discharged patients for at least five years.	Mass. Regs. Code titl. 105 Section 105.013 (E)

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Michigan	6	<p>Nursing homes must maintain clinical records for a minimum of six years from discharge, or in the case of a minor, three years after the individual comes of age under state law, whichever is longer.</p> <p>Medicaid providers must maintain records substantiating the medical necessity, appropriateness, and quality of services rendered for which a Medicaid claim is made for a period of six years.</p>	<p>Mich. Admin. Code r.325.21102 (1987)</p> <p>MCL 400-111b(6) and (8)</p>
Minnesota	5	A resident's records must be preserved for a period of at least five years following discharge or death.	Minnesota Rules 4658.0470
Mississippi	5	Medical records are to be retained for five (5) years from the date of discharge, or in the case of a minor, until the age of twenty-one (21), plus an additional three (3) years.	Miss. Nursing Home Minimum Standards, Section G – 507.1
Missouri	5	Skilled nursing, intermediate care, and residential care facilities must maintain medical records for five years after the resident leaves the facility, or until the resident reaches the age of 26, whichever is longer.	RS Mo. Section 198.052.7 (1983)
Montana	5	A health care facility, excluding a hospital, shall retain a patient's or resident's medical records for no less than five years following the date of the patient's or resident's discharge or death.	ARM 37.106.314
Nebraska	5	Resident clinical records must be maintained and preserved for a period of at least five years or, in case of a minor, five years after the resident becomes of age under Nebraska law.	Nebraska Admin. Code, Title 175, Chapter 12-00616D (2003)
Nevada	5	Healthcare providers must retain health records for five years after their receipt of production.	Nev. Rev. Statutes, Section 629.051
New Hampshire	7	Both hospitals and health facilities must retain medical records of adults for a period of seven years from discharge. Children's records must be retained to the age of majority plus seven years.	He-P 803.06,, Resident Records, (b) (2)

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New Jersey	10	<p>Medical records shall be retained for a period of 10 years following the most recent discharge of the resident, or until the resident reaches the age of 23 years, whichever is the longer period of time.</p> <p>A summary sheet of each medical record shall be retained for a period of 20 years.</p>	N.J.A.C 8:39 – 35.2(k)
New Mexico	10	An original medical record and legible copy or copies of court orders or other documents, if any, authorizing another person to speak or act on behalf of this resident shall be retained for a period of at least ten (10) years following a resident's discharge or death.	Title 7 Chapter 9, Part 2, 7.9.2.31 F(2)
New York	6	Clinical records shall be retained for six years from the date of discharge or death, or for residents who are minors, for three years after the resident reaches the age of majority. (18)	Title 10 NYCRR §415.22(b)
North Carolina	5	The Manager of medical records shall ensure that medical records, whether original, computer media, or microfilm be kept on a file a minimum of five years following the discharge of an adult patient. The manager of medical records shall ensure that if the patient is a minor when discharged from the nursing facility, records shall be kept on file until his or her 19th birthday and then, for five years. If a facility discontinues operation, the licensee shall make known to the Division of Facility Services where its records are stored; records are to be stored in a business offering retrieval services for at least 11 years after the closure date.	10A NCAC 13D.2402 (1996)
North Dakota	10/7	<p>All records of discharged residents must be preserved for a period of ten years from the date of discharge. Records of deceased residents must be preserved to seven years.</p> <p>In the case of minors, records must be retained for the period of minority and ten years from the date of live discharge. Records of deceased residents who are minors must be preserved for the period of minority and seven years.</p>	North Dakota Admin. Code Section 33-07-03.2-17(2)

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Ohio	7	The home shall maintain the records for seven years following the date of the resident's discharge, except if the resident is a minor, the records shall be maintained for three years past the age of majority but not less than 7 years.	Ohio Admin. Code 3701-17-67
Oklahoma	5	The resident's clinical record shall be retained for at least five years after the resident discharge or death. A minor's record shall be retained for at least two years after the minor has reached the age of eighteen but, in no case, less than five years	OAC 310:675-7-10.1(b)
Oregon	5	All clinical records shall be kept for a period of five years after the date of last discharge of the resident.	OAR 411-86-300(6)
Pennsylvania	7	Records shall be retained for a minimum of 7 years following a resident's discharge or death.	28 PA. Code Section 211.5 (c)
Rhode Island	5	Medical records must be kept for five years following discharge of the patient. Records may be kept in either original or accurately reproduced form.	Rhode Island General Laws Section 23-3-26 (1990)
South Carolina	10	Nursing homes must store medical records for ten years from discharge or death.	SC Code Regs. Chapter 61.17G(4)(b) (1992)
South Dakota	10	A health care facility must retain medical or care records for at least ten years after the last date of patient or resident care. Records of minors must be retained until the minor reaches the age of majority plus an additional two years, but no less than ten years	ARSD 44:04:09:08
Tennessee	10	All medical records, in either written, electronic, graphic or otherwise acceptable form, must be retained in their original or legally reproduced form for a minimum period of at least ten (10) years after which such records may be destroyed. However, in cases of residents under mental disability or minority, their complete facility records shall be maintained for the period of minority or known mental disability, plus one (1) year, or ten (10) years following the discharge of the resident, whichever is longer.	Tenn. Standards for Nursing Homes 1200- 8-16-06 (5)(c) (2003).

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Texas	5	Nursing facilities are required to retain clinical records for 5 years after medical services end; or for a minor, 3 years after resident reaches legal age under Texas law.	Texas Administrative Code (TAC) §19.1910
Utah	7	Nursing care facilities care must retain medical records for at least seven years after the last date of resident care. The records of minor must be kept until the age of 18 plus 4 years, but in no case less than seven years. Hospices must retain medical records at least seven years after the last date of patient care.	Utah Admin.R.432-150-25 (3)(b) Utah Admin.R.432-750-12
Vermont	8	All of an individual's clinical records must be retained for the longer of the following time periods (1) eight years from the date of discharge or death; or (2) for a minor, three years after a resident reaches eighteen years of age.	Vermont Licensing & Operating Rules for Nursing Homes 13.1(b)
Virginia	5	Hospitals and nursing homes must preserve medical records, either as originals or accurate reproductions for a minimum of five years following patient discharge except for minors. Records of minors must be kept for at least five years after the patient reaches 18 years of age.	Va. Regs. Reg. Hosp. & Nursing Home Licensure and Inspection, part II Section 208 and 24.5 (1985) 12 VAC5-371-360 (H)
Washington	8	Unless specified otherwise by the department, a nursing home shall retain and preserve all records that relate directly to the care and treatment of a patient for a period of no less than eight years following the most recent discharge of the patient. Except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.	Revised Code of Washington 18.51.300 WAC 388-97-180 (6)
West Virginia	5	All of a resident's clinical records shall be retained for the longer of the following time periods: five (5) years from the date of discharge or death; or for a minor, three (3) years after a resident reaches eighteen (18) years of age.	West Virginia CSR 64-13-13.1b

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Wisconsin	5	An original medical record and legible copy or copies of court orders or other documents, if any, authorizing another person to speak or act on behalf of this resident shall be retained for a period of at least five years following a resident's discharge or death	Wisconsin Admin. Code HFC 132.45 (4) (f) (2)
Wyoming	5	Retention of records. All clinical records of discharged patients shall be completed promptly and shall be filed and retained for five years	Wyoming Statute, Title 33, Professions and Occupations and Title 35, Public Health and Safety. Section 19 B

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Disclaimer: These documents/forms and flow charts are presented as models only by way of illustration. They have not been reviewed by counsel. Before applying a particular form to a specific use by your organization, they should be reviewed by a counsel knowledgeable concerning federal and state privacy laws related to the use of medical records.