

## Part B Insider (Multispecialty) Coding Alert

### Physician Notes: Magic Number for Medical Record Retention is 6 Years, CMS Says

**Plus: HHS believes Medicare Trust Fund will stay solvent through 2029.**

Medical practices often hear conflicting advice regarding how long they must hang on to a patient's medical records, but CMS intends to clear up any misinformation with new MLN Matters article SE1022, issued this month.

Although many physicians follow state laws when determining whether they can discontinue retaining a patient's records, it's important to keep in mind that you must hang into the patient's records for at least six years, according to HIPAA laws. If your state requires a period longer than that, you must extend the length of time to meet state laws, but six years is the federal minimum.

"HIPAA administrative simplification rules require a covered entity, such as a physician billing Medicare, to retain required documentation for six years from the date of its creation or the date when it last was in effect, whichever is later," the MLN Matters article states. "HIPAA requirements preempt state laws if they require shorter period. Your state may require a longer retention period."

If you submit cost reports, you must retain the original or copies for at least five years following the cost report's closure, and Medicare managed care program providers must retain records for ten years, the article notes.

To read the complete MLN Matters article on record retention, visit [www.cms.gov/MLNMattersArticles/downloads/SE1022.pdf](http://www.cms.gov/MLNMattersArticles/downloads/SE1022.pdf).