

Outpatient Facility Coding Alert

Reader Question: HIPAA Supersedes Lesser State Retention Laws

Question: How long do we need to keep medical records?

Iowa Subscriber

Answer: The answer depends, in part, on your state's laws.

While you need to 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 onto 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 trumps your state laws if they require fewer than six years.

Tip: If you move to an electronic medical record system, you can destroy paper records that have been transferred into the new system. You should keep electronic records for the same length of time specified for paper records.

CMS states that you must retain medical records for six years from the "date of its creation or the date when it last was in effect, whichever is later."

Read more: You can read more about CMS's guidelines at <http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/downloads/SE1022.pdf>.