

RECORD RETENTION GRID



INTRODUCTION

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In 2016, GNYHA reconvened its Record Retention Workgroup to discuss emerging issues in record retention and to update a 2005 grid of retention guidelines applicable to a variety of health care-related documents commonly generated by hospitals.

This grid is the result of that collaboration among GNYHA members. It is not exhaustive. While it contains legal citations, it should not be construed as legal advice. While it contains recommendations, it should not be construed as establishing an industry standard. Members are free to customize any recommended retention periods to meet their own needs and circumstances. As this grid focuses on New York State law, members should be mindful of other state laws that may apply if they are based or operate in other states.

CLINICAL RECORDS


Hospitals differ on how they define the legal medical record. Although the records in this section may be retained together with the patient’s medical record, they may not be defined as part of the legal medical record. Hospitals retain the legal medical record for 21 years after the last date of service, rather than attempt to distinguish between adult and minor records.

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|-------------------------|--|
| Admissions/Discharge Register | Recommended: 6 years | | |
| Ambulance Patient Care Records | Legal Minimum: At least 6 years from the date of discharge or 3 years after age of majority (18 years), whichever is longer, or at least 6 years after the patient’s death. | 10 NYCRR §405.10(a) (4) | |
| Baseline Mammography Images | <ul style="list-style-type: none"> • Legal Minimum: 10 years • Recommended: 21 years | 10 NYCRR §16.22(b)(2) | |
| Daily Census/Outpatient Department Patient Lists | Recommended: 6 years | | |
| Emergency Department (ED) Central Log of Patients | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: 21 years | 42 CFR §489.20(r) | |
| Fetal Monitoring Strips | Recommended: 21 years | | |
| Health Insurance and Portability Act (HIPAA) Accounting of Disclosures | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: 21 years | 45 CFR §164.528(a)(1) | <p>Many hospitals retain the accounting of disclosures for as long as the medical record.</p> <p> PATIENT MEDICAL RECORDS pg.4</p> |
| Infection Control Reports | Recommended: 21 years | | New York State law requires that hospitals maintain written policies and procedures, but does not provide a retention guideline. Thus, the recommendation aligns with other clinical records. |

CLINICAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|-------------------------------------|--|---|---|
| Mammograms | <ul style="list-style-type: none"> Legal Minimum: Under Federal law, original must be retained in a patient's permanent medical record for a period of not less than 5 years, or not less than 10 years if no subsequent mammogram is performed, or longer if mandated by state law. Under New York State law, original should be retained at least as long as the medical record, if such time is longer than the 5/10 year requirement of Federal law. Recommended: 21 years | <ul style="list-style-type: none"> 21 CFR §900.12(c)(4)(i) NY Educ. Law §6530(32) NY Pub. Health Law §18 | |
| Pathology Slides, Reports & Records | <ul style="list-style-type: none"> Legal Minimum: Hold for same period as medical records [at least 6 years from date of discharge or 3 years after age of majority (18 years), whichever is longer, or at least 6 years after the patient's death] Recommended: 21 years | <ul style="list-style-type: none"> 10 NYCRR §58-1.11(c) 10 NYCRR §405.10(a)(4) | This regulation states that records must be retained in original form for the first 3 months. Thereafter they may be stored on microfiche, microfilm, or photographic method. Records to be maintained for more than 2 years may, after 2 years, be stored away from the facility, provided they can be made available within 24 hours. |
| Patient Medical Records: Adult | <ul style="list-style-type: none"> Legal Minimum: 6 years from the date of discharge Recommended: 21 years | 10 NYCRR §405.10(a)(4) | Due to the difficulty in distinguishing adult and minor records, some hospitals elect to retain all medical records for 21 years after the last date of service. |
| Patient Medical Records: Minor | <ul style="list-style-type: none"> Legal Minimum: At least 6 years from the date of discharge or 3 years after age of majority (18 years), whichever is longer, or at least 6 years after the patient's death. Recommended: 21 years | 10 NYCRR §405.10(a)(4) | |

CLINICAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|---|---|
| Patient Transfer Records | <ul style="list-style-type: none"> Legal Minimum: 5 years from the date of transfer Recommended: 21 years | 42 CFR §489.20(r)(1) | |
| Pharmacy Prescriptions (non-controlled substances) | <ul style="list-style-type: none"> Legal Minimum: 5 years Recommended: 21 years | NY Educ. Law §6810(5) | |
| Radiology or Nuclear Medicine Films, Scans & Other Image Records | <ul style="list-style-type: none"> Legal Minimum: At least 6 years or 3 years after a minor patient turns 18 Recommended: 21 years | <ul style="list-style-type: none"> 10 NYCRR §405.15(a)(5) 10 NYCRR §405.15(C)(4)(i) | <p>Recommendation is to keep all images and studies in accordance with medical record retention guideline.</p> <p> PATIENT MEDICAL RECORDS pg.4</p> |
| Reproductive Tissue Transfer, Artificial Insemination & Implantation Records | <ul style="list-style-type: none"> Legal Minimum: Hold for at least 7 years after the release of tissue not resulting in live births and 25 years for tissue resulting in live births. Recommended: 25 years | 10 NYCRR §52-2.9(b) | |
| Records of Tissue and Non- transplant Anatomic Parts Released for Transplantation, Transfer & Research, and Education Transplant Records | <ul style="list-style-type: none"> Legal Minimum: Hold at least 7 years after transplantation or 6 months after the expiration date of the tissue, whichever is longer. Non-transplant anatomic banks shall retain records for 5 years after release of non-transplant anatomic parts for research and education. Recommended: 21 years | 10 NYCRR §52-2.9(b) | |
| Release or Disposal of Human Remains | Recommended: 21 years | | |

CLINICAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|---|----------------|
| <p>Transfusion Records (including blood, blood components, derivatives released for allogeneic or autogenic transfusion, cytopheresis, and records related to hematopoietic progenitor cell banks)</p> | <ul style="list-style-type: none">• Legal minimum: 7 years, or if later, 6 months after expiration date of the individual product• Recommended: 21 years | <ul style="list-style-type: none">• 10 NYCRR §58-2.10(a)• 10 NYCRR §58-2.15(g)• 10 NYCRR §58-5.8(a) | |

EMPLOYMENT RECORDS

In this section, the citation typically refers to the legal retention period for the document. The recommended retention period considers statute of limitation periods that apply to actions that may be supported by the document or record listed.

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|--|---|
| Application Materials (including employment inquiries, applications, resumes, and job orders by employers) | <ul style="list-style-type: none"> Legal Minimum: 1 year, except if an employment charge or action is filed, related records must be kept until final disposition of the charge or action Recommended: 6 years from date of action | <ul style="list-style-type: none"> 29 CFR §1602.14 29 CFR §1627.3(b)(1)(i),(iii),(vi) | |
| Cytotechnologist Work Standard | <ul style="list-style-type: none"> Legal Minimum: 3 years Recommendation: Active + 6 years | 10 NYCRR §58-1.12(d) | The regulation listed pertains to how long hospitals should keep records of work standards for cytotechnologists. These standards include information about how many hours cytotechnologists worked, the number of slides examined per hour, etc. |
| Earnings Records | Legal Minimum: 6 years | 29 CFR §1627.3(a) | |
| Educational Assistance Financing | Recommended: Current year + 6 years | | |
| Equal Employment Opportunity (EEO) Recording/Reporting 1. 100 or more employees: EEO-1 2. Apprenticeships: EEO-2 3. Chronological Apps 4. Others for EEO-2 | <ul style="list-style-type: none"> Legal Minimum: <ol style="list-style-type: none"> Most recent Most recent 2 years 1 year Recommended: 6 years | <ul style="list-style-type: none"> 29 CFR §1602.7 §1602.13, §1602.15, §1602.20, §1602.21 | |

EMPLOYMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|--|--|----------------|
| Employee Training Certification | Recommended: Active + 6 years | | |
| <p>Employment Benefits, Pensions & Reporting Contributions</p> <p>1. Benefit Plans Generally</p> <p>2. Plans or Trusts that Provide Income Including in "Regular Rate" of Pay for Fair Labor Standards Act</p> <p>3. Employee Retirement Income Security Act Filing and Related Records</p> | <ul style="list-style-type: none"> • Legal Minimum: <ol style="list-style-type: none"> 1. 2 years from termination of employment 2. 3 years 3. 6 years • Recommended: Active + 6 years | <ul style="list-style-type: none"> • 29 USC §1027 • §1059 • §1113 • 29 CFR §1627.3(b)(2) • 29 CFR §1627.3(b)(3) | |
| Employment Contracts | <ul style="list-style-type: none"> • Legal Minimum: 3 years (from last effective date) • Recommended: Active + 6 years | 29 CFR §516.5 | |
| <p>Employment Testing</p> <p>(including any exams considered in connection with personnel action)</p> | <ul style="list-style-type: none"> • Legal Minimum: 1 year, except if an employment charge or action is filed, related records must be kept until final disposition of the charge or action. • Recommended: 6 years from date of test | <ul style="list-style-type: none"> • 29 CFR §1602.14 • 29 CFR §1627.3(b)(1)(iv)-(v) | |
| Family Medical Leave Act Leave Records | <ul style="list-style-type: none"> • Legal Minimum: 3 years • Recommended: 6 years | 29 CFR §825.500 | |

EMPLOYMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|---|--|
| Form 1099 | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e) – (1) | This citation refers to a statute of limitations (SOL) for actions associated with omissions from tax returns. Although not a retention guideline, the citation, as a matter of practice, functions as such. |
| Forms 940 & 941 | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e) – (1) | |
| Form 990 | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e)-(1) | |
| I-9 Forms | <ul style="list-style-type: none"> • Legal Minimum: 3 years (for non-hired applicants, retention period is 3 years from recruitment or referral date. For those hired, retention period is 3 years from hire, or 1 year from termination, whichever is later). • Recommended: 6 years | 8 CFR §274a.2(b)(2)(i) | |
| Notices of Opportunities (including advertisements and notices related to job openings, promotions, training, and overtime opportunities) | <ul style="list-style-type: none"> • Legal Minimum: 1 year, except if an employment charge or action is filed, related records must be kept until final disposition of the charge or action. • Recommended: 6 years from date of action | <ul style="list-style-type: none"> • 29 CFR §1602.14 • 29 CFR §1627.3(b)(1)(i),(iii),(vi) | |
| Nursing Training Records | Recommended: Active + 6 years | | |

EMPLOYMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|--|--|---|
| Occupational Health Records | Legal Minimum: Active + 30 years (except for health insurance claims records maintained separately from the employer's medical program and its records; first aid records; medical records of employees who work for less than 1 year) | 29 CFR §1910.1020(d) (1) (Unless Occupational Safety and Health Administration (OSHA) provides different period, each employer shall keep employee medical records for at least active + 30 years) | The citation pertains to medical records related to occupational diseases. If an employee obtains health care services for a personal, non-work-related issue, those records should be retained in accordance with the retention period for the patient medical record. |
| Paid Time Off Records | Recommended: Current year + 6 years | | |
| Payroll and Compensation (basic and supplemental, such as wage rate tables, time sheets, earning cards, docs indicating daily start & end times) | Legal Minimum: 6 years | <ul style="list-style-type: none"> • 12 NYCRR §142-2.6 • 29 CFR §516.5 • 29 CFR §516.6 | |
| Personnel Decisions and Policies (records related to hiring, promotion, demotion, transfer, and selection for training, layoff, recall, discharge, or termination, including merit and seniority selection) | <ul style="list-style-type: none"> • Legal minimum: 1 year; 2 years if possibility relevant to pay differentiation between sexes • Recommendation: 6 years from date of action | <ul style="list-style-type: none"> • 29 CFR §1602.14 • 29 CFR §1627.3(b)(1)(iii) • 29 CFR §1620.32 | |



PATIENT MEDICAL RECORDS pg.4

EMPLOYMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|----------------------------|---|
| Reasonable Accommodation | <ul style="list-style-type: none"> • Legal Minimum (Federal): 1 year, unless a change or action is filed • Recommended: 6 years | 29 CFR §1602.14 | The citation listed pertains to a Federal retention period for documents related to reasonable accommodations. New York City and New York State do not have specific record retention guidelines related to reasonable accommodations. The recommended retention period considers the SOL on discrimination actions that may be brought in Administrative, State, and Federal courts. Hospitals located in New York City should be mindful that an individual may file a lawsuit under the New York City Human Rights Law (NYC Admin. Code §§ 8 – 101 -8- 131) for up to 3 years after the alleged unlawful discriminatory practice and, because that 3 year period can be tolled upon the filing of a complaint with the City or State Division of Human Rights, the complaint could remain pending for an additional 2 years. |
| All Volunteer, Student, or Other Non-Compensated Personnel Records | Legal Minimum: 6 years | 12 NYCRR §142-3.7 | |
| Terminated Employees' Personnel Records | <ul style="list-style-type: none"> • Legal minimum: 1 year from termination, except if an employment charge or action is filed, related records must be kept until disposition of the charge or action. • Recommendation: 6 years from the date of action | 29 CFR §1602.14 | |
| Training Program Materials | Recommended: Active + 6 years | | |
| W-2 Forms | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e)-(1)(a) | |

EMPLOYMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|-------------------------------|---|------------------------------|----------------|
| W-4 Forms | <ul style="list-style-type: none">• Legal Minimum: 6 years• Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e)-(1) | |
| W-9 Letters | <ul style="list-style-type: none">• Legal Minimum: 6 years• Recommended: Tax return filing date + 15 years | 26 CFR §301.6501(e)-(1) | |
| Workers' Compensation Records | Legal Minimum: 18 years for occupational injuries | NY Workers Comp. Law §110(1) | |

FINANCE-RELATED RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|--|---|---|
| Budget Work Papers | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Current year + 15 years | 26 CFR §301.6501(e)-(1) | This citation refers to a SOL for actions associated with omissions from tax returns. Although not a retention guideline, the citation, as a matter of practice, functions as such. |
| Collection Records | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Current year + 15 years after audit | 26 CFR §301.6501(e)-(1) | |
| Cost Report Support Papers (including vouchers and invoices, vendor files and reports, cash disbursements, contract accounting records, cost accounting records, credit card charge slips, credit card statements, expense reports, accounts receivable invoices, accounts receivable cash receipts, accounts receivable sales receipts, accounts receivable management work papers, accounts receivable reconciliations, capital property acquisitions, construction accounting reports, construction accounting work papers, capital expenditure receipts, capital expenditure reports, account ledgers, accounts payable ledgers, accounts receivable ledgers, balance sheets, payroll registers, payroll checks, bank deposits, bank statements, check registers, checks paid and cleared, investment statements, hospital finance records, patient financial records, patient accounting files, insurance remittance, insurance explanation of benefits) | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: Current year + 15 years | <ul style="list-style-type: none"> • 42 CFR §413.20 • 42 CFR §413.24 • 26 CFR §301.6501(e)-(1) | |

FINANCE-RELATED RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|-----------------------------------|---|--|---|
| Cost Reports and Work Papers | <ul style="list-style-type: none"> Legal Minimum (books, records, and documents forming the basis of audits): 6 years from the later of the date of filing or the date in which the fiscal and statistical records were to be filed or 2 years from the end of the last calendar year during any part of which a provider's rate or fee was based on the fiscal or statistical reports. For providers who are paid in accordance with the fee schedule established by the New York State Department of Health (DOH) (Medicaid fee-for-service), all records necessary to disclose the nature and extent of services furnished and the medical necessity of such, must be kept for 6 years from the date of care, services, or supplies furnished or billed, whichever is later. Recommendation: Current year + 15 years except records relating to Base Year, which should be maintained for as long as Base Year is used plus 2 years. | <ul style="list-style-type: none"> 42 CFR §413.20 42 CFR §413.24 10 NYCRR §86-1.8 18 NYCRR §517.3 18 NYCRR §517.6 | <p>42 CFR §413.24 cites Medicare reporting requirements that do not specify time period.</p> <p>Hospitals should be aware that the New York State Office of Medicaid Inspector General generally conducts audits looking back from the date of payment.</p> |
| External Audit Reports | Recommended: Current year + 15 years | 26 CFR §301.6501(e)-(1) | |
| Financial Reports and Work Papers | Recommended: Current year + 15 years | | |
| Financial Statements | Recommended: Current year + 15 years after audit | 26 CFR §301.6501(e)-(1) | |

GOVERNANCE & FOUNDATIONAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|-----------------|--|
| Board of Directors and Committee Minutes and Related Records | Recommended: Permanent | | |
| Certificates of Need | Recommended: Permanent | | |
| Feasibility Studies | Recommended: Active + 1 year, but not less than 6 years in total | | |
| Hospital Annual Reports | Recommended: Permanent | | |
| Hospital By-Laws | Recommended: Permanent | | |
| Incorporation Papers | Recommended: Permanent | | |
| Licenses, Permits, and Accreditation Documents | Recommended: Permanent | | |
| Organization Charts | Recommended: 6 years | | <p>Although organization charts change frequently, some hospitals retain them to show the structure of an organization at a certain period of time. Also, organization charts may be sought by The Joint Commission (TJC), Centers for Medicare & Medicaid Services (CMS), or DOH as part of the survey process.</p> <p> LICENSES, PERMITS, AND ACCREDITATION DOCUMENTS pg.15</p> <p>They may also be relevant to certain types of employment discrimination suits.</p> <p> LITIGATION FILES pg.25</p> |
| Work Papers Supporting Licensure | Recommended: 10 years | | |



HOSPITAL ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|---|--|--|
| Ambulance Corps Records Administrative | Recommended: 21 years | | |
| Autoclave (including records of time, temperature, and pressure associated with each load autoclaved) | <ul style="list-style-type: none"> • Legal Minimum: 3 years • Recommended: 6 years | 10 NYCRR §70-3.4 | <p>Hospitals should consider that the regulation listed pertains to recordkeeping associated with testing and</p> <p> EQUIPMENT MAINTENANCE RECORDS pg.21</p> <p>other laboratory measures, employee training, and modifications of operation plans.</p> <p> EMPLOYEE TRAINING CERTIFICATION pg.8</p> <p> TRAINING PROGRAM MATERIALS pg.11</p> |
| Certificates and Other Evidence of Insurance | Recommended: Varies | | <p>Where hospitals receive certificates of insurance in accordance with certain contracts, such as real property leases or professional services agreements, the certificates should be kept for as long as the underlying agreement remains in place, subject to the relevant statutes of limitations most likely implicated by the arrangement.</p> <p> LITIGATION FILES pg.25</p> |
| Controlled Substances (inventory, disposal, orders, and prescriptions) | <ul style="list-style-type: none"> • Legal minimum: 5 years • Recommended: 21 years | <ul style="list-style-type: none"> • NY Pub. Health Law §3370(1) • 10 NYCRR §80.100 • 21 CFR §1304.04 | |
| Department Statistics | Recommended: 6 years | | |

HOSPITAL ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|---|-------------------|--|
| Development Office Giving Records (including correspondence with donors) | Recommended: 15 years | | Restricted gifts might require longer retention periods. |
| ED Diversion Sheet | Recommended: 6 years | | |
| E-mail | Recommended: Varies | | <p>There is wide variation in the field for e-mail retention periods. Hospitals should consider business needs and the culture of the organization with respect to the use of e-mail. Many hospitals maintain a fixed e-mail retention period of a matter of months or 1 to 3 years, leaving it to the discretion of users to determine what should be retained longer. It is important for the owner of the record retention policy to have a full understanding of information technology (IT) policies and procedures with respect to e-mail retention, including whether deletion is permanent. Such policies should be aligned with the general record retention policy. E-mails are commonly demanded in a variety of litigation types, including employment discrimination and breach of contract actions. Thus, the applicable statutes of limitations for those types of actions should be considered.</p> <p> LITIGATION FILES pg.25</p> |
| Emergency Room (ER) List of On-Call Physicians | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: 21 years | 42 CFR §489.20(r) | <p>The regulation pertains to an on-call list of physicians who are on the hospital's medical staff that are available to provide treatment necessary after the initial examination to stabilize individuals with emergency medical conditions. These providers are often listed in the medical chart, thus, the recommended retention period aligns with certain patient records.</p> <p> PHYSICIAN SCHEDULES pg.27</p> |

HOSPITAL ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|---|---|--|
| General Administrative Policies and Procedures | Recommendation: Varies | | These policies and procedures may be sought by TJC/CMS/DOH on survey. |
| | | |  LICENSES, PERMITS, AND ACCREDITATION DOCUMENTS pg.15 |
| | | | Hospitals should consider the relevance to various legal proceedings (e.g., medical malpractice, employment discrimination, and False Claims Act [FCA] matters). |
| | | |  LITIGATION FILES pg.25 |
| | | |  GOVERNMENT INVESTIGATIONS pg.24 |
| HIPAA Privacy and Security Policies and Procedures | Legal Minimum: Active + 6 years | <ul style="list-style-type: none"> • 45 CFR §164.316(b)(2)(i) • 45 CFR §164.316(b)(2) | |
| Hospital Statistics (including admissions, services, and discharges and transfers) | Recommended: 6 years | | |
| Information Systems Governance Documents (including data management and archival plans) | Recommended: Permanent | | This section refers to an organization's plan for migrating or archiving data in legacy systems. |
| Institutional Review Board (IRB) Research Department Records | <ul style="list-style-type: none"> • Legal Minimum: IRB minutes, roster, correspondence, and documentation reviewed or prepared by IRB at least 3 years after completion or cancellation of research at the hospital. • Recommended: 21 years | <ul style="list-style-type: none"> • 21 CFR §56.115 • 45 CFR §46.115 | |

HOSPITAL ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|-------------------------------|-----------------|---|
| Insurance Policies | Recommended: Varies | | <p>Hospitals may wish to rely on their insurance broker to hold/obtain policies for them. If so, it is important to consider how such documents may be accessed if the relationship with the broker ends. It is important to consider the various statutes of limitations for the types of claims covered under the policy.</p> <p> LITIGATION FILES pg.25</p> <p>For policies that have long-term implications, such as environmental issues, direct retention by the hospital is advisable.</p> |
| Media Advertising (including TV & radio transcripts, publicity-related photographs, hospital publications, press releases, and advertising) | Recommended: Active + 6 years | | <p>These types of records may be relevant to an Office for Civil Rights investigation regarding a HIPAA breach. They may also be relevant to copyright or trademark issues.</p> |
| Department Staff Meeting Minutes | Recommended: Varies | | <p>Hospitals should consider whether to leave retention of general department staff meeting documents to the discretion of department heads. A distinction should be made between general meetings and those focused on particular topics, which may be governed by another applicable guideline (e.g., employee training).</p> <p> EMPLOYEE TRAINING CERTIFICATION pg.8</p> <p> TRAINING PROGRAM MATERIALS pg.11</p> |
| Quality Assurance (QA) Records and Reports (including root cause analysis and peer review documents) | Recommended: 21 years | | <p>Although QA records are generally considered privileged, there are exceptions. Hospitals should consider the relevance of such records to medical malpractice litigation and credentialing.</p> <p> LITIGATION FILES pg.25</p> <p> HOUSE STAFF/RESIDENT CREDENTIALS pg.26</p> |

HOSPITAL ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|--|----------------|
| Receipt, Transfer, and Disposal of Radioisotopes Records | <ul style="list-style-type: none"> • Legal minimum: For facilities that are licensed by the United State Nuclear Regulatory Commission, as long as the material is possessed and for 3 years following the disposal of the material. New York City requires that records of radioactive waste disposal must be kept until the New York City Department of Health and Mental Hygiene authorizes disposition. • Recommended: Permanent | <ul style="list-style-type: none"> • 10 CFR §30.51 • 24 Rules of the City of NY §175.104(h)(2) | |
| Regulated Medical Waste Treatment Systems (including alternative regulated waste treatment system validations, challenge test results, routine maintenance, and personnel training) | <ul style="list-style-type: none"> • Legal Minimum: 3 years • Recommended: 6 Years | 10 NYCRR §70-2.5 | |
| Utilization Review Records | <ul style="list-style-type: none"> • Legal Minimum: Current + 5 years • Recommended: 21 years | 42 CFR §482.24 | |

LABORATORY ADMINISTRATION RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|-------------------------|---|
| Equipment Maintenance Records | Recommended: 21 years | | |
| Preventative Maintenance, Service & Repair Records (lab equipment) | <ul style="list-style-type: none"> • Legal Minimum: Retain as long as the instrument remains in use, except for records on monitoring temperature-controlled spaces, which shall be held for 1 year. • Recommended: 21 years | 10 NYCRR §58-1.11(c)(4) | |
| Quality Control Records (lab) | <ul style="list-style-type: none"> • Legal Minimum: 2 years • Recommended: 21 years | 10 NYCRR §58-1.11(c)(3) | |
| Worksheets Containing Instrument Readings and/or Personal Observations upon which Outcome is Based | <ul style="list-style-type: none"> • Legal Minimum: 1 year • Recommended: 21 years | 10 NYCRR §58-1.11(c)(6) | <p>Hospitals should consider that if personal observations upon which outcome is based are patient-specific, these worksheets and accompanying information may be contained within or relevant to the medical record.</p> |




PATIENT MEDICAL RECORDS pg.4

LABORATORY CLINICAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|------------------------------|----------------|
| Accession Records (lab) | <ul style="list-style-type: none"> • Legal Minimum: 7 years • Recommended: 7 years | 10 NYCRR §58-1.11(c)(2) | |
| Bacteriology Slide (on which diagnosis depends) | <ul style="list-style-type: none"> • Legal Minimum: 1 year • Recommended: 3 years, recognizing that a shorter retention period may be appropriate due to impracticality of storage | 10 NYCRR §58-1.11(d)(1)(iii) | |
| Blood Film (other than routine) | <ul style="list-style-type: none"> • Legal Minimum: 1 year • Recommended: 3 years, recognizing that a shorter retention period may be appropriate due to impracticality of storage | 10 NYCRR §58-1.11(d)(1)(i) | |
| Blood Film (routine) | <ul style="list-style-type: none"> • Legal Minimum: 6 months • Recommended: 3 years, recognizing that a shorter retention period may be appropriate due to impracticality of storage | 10 NYCRR §58-1.11(d)(1)(ii) | |
| Bone Marrow Biopsy | <ul style="list-style-type: none"> • Legal Minimum: 20 years • Recommended: 21 years | 10 NYCRR §58-1.11(d)(1)(ix) | |
| Cytogenetic Slide | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: 21 years | 10 NYCRR §58-1.11(d)(1)(x) | |
| Cytogenetics Reports | <ul style="list-style-type: none"> • Legal Minimum: 25 years • Recommended: 25 years | 10 NYCRR §58-1.11(c)(5)(iii) | |
| Cytology Slide (abnormality) | <ul style="list-style-type: none"> • Legal Minimum: 7 years • Recommended: 7 years | 10 NYCRR §58-1.11(d)(1)(v) | |

LABORATORY CLINICAL RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|-------------------------------|---|
| Histopathology Block | <ul style="list-style-type: none"> Legal Minimum: 20 years Recommended: 21 years | 10 NYCRR §58-1.11(d)(1)(vii) | |
| Histopathology Slide | <ul style="list-style-type: none"> Legal Minimum: 20 years Recommended: 21 years | 10 NYCRR §58-1.11(d)(1)(viii) | |
| Photographic Slide of Cytogenic Karyotype | <ul style="list-style-type: none"> Legal Minimum: 25 years Recommended: 25 years | 10 NYCRR §58-1.11(d)(1)(xi) | |
| Recipient Blood Specimens | Legal Minimum: 1 week stoppered at 6 degrees Celsius | 10 NYCRR §58-1.11(d)(1)(xii) | |
| Request for Tests (general) | <ul style="list-style-type: none"> Legal Minimum: 7 years Recommended: 21 years | 10 NYCRR §58-1.11(c)(1) | Hospitals should consider whether requests for tests are kept separately or in conjunction with the medical record. |
| | | |  PATIENT MEDICAL RECORDS pg.4 |
| Requests for Cytogenetic Tests | <ul style="list-style-type: none"> Legal Minimum: 6 years Recommended: 7 years | 10 NYCRR §58-1.11(c)(1) | |
| Syphilis Serology (negative) | <ul style="list-style-type: none"> Legal Minimum: 2 years Recommended: 21 years | 10 NYCRR §58-1.11(c)(5)(ii) | |
| Tissue Block | <ul style="list-style-type: none"> Legal Minimum: 20 years Recommended: 21 years | 10 NYCRR §58-1.11(d)(1)(vi) | |
| Tissue Pathology and Exfoliative Pathology Reports | <ul style="list-style-type: none"> Legal Minimum: 20 years Recommended: 21 years | 10 NYCRR §58-1.11(c)(5)(i) | |
| All Other Lab Reports | <ul style="list-style-type: none"> Legal Minimum: 7 years Recommended: 21 years | 10 NYCRR §58-1.11(c)(5)(iv) | |





LEGAL & COMPLIANCE RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|---------------------------------|---|
| Contract Negotiations and Documentation | Recommended: Active + 6 years | | <p>Contract negotiations may be carried out, at least in part, by the parties through e-mails and reflected in the various drafts of a contract. Hospitals should consider whether to require its attorneys and others to retain such working papers in all cases.</p> <p> E-MAIL pg.17</p> |
| Contracts | <ul style="list-style-type: none"> • Recommended: Contracts with referral sources: Active + 15 years • All other contracts: Active + 6 years | 31 USC §3729 (False Claims Act) | <p>Hospitals should note whether a retention period is dictated by the terms of the contract. Contracts and grant agreements with governmental units commonly carry such requirements. Contractual retention periods should take precedence over any internal policy guidelines.</p> |
| Final Judgments, Settlements, and Corporate Integrity Agreements | Recommended: Permanent | | <p>Hospitals may elect not to retain settlement agreements permanently in relatively common types of litigation such as medical malpractice and employment discrimination cases. Hospitals should consider whether the settlement entails a course of conduct, such as a monitoring period or an annuitized payout, when determining retention periods of settlement agreements.</p> <p> LITIGATION FILES pg.25</p> |
| Government Investigations | Recommended: 10 years | | <p>There are a variety of investigations that hospitals are subject to, some of which may be relatively routine. The recommended guideline is for matters in which the hospital was the subject or target, not just an information source.</p> |


LEGAL & COMPLIANCE RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|------------------------|-----------------|---|
| Litigation Files | Recommended: Varies | | <p>Applicable retention periods will depend on whether the matter is being handled by outside counsel. Generally, law firms maintain records for 7 years from the end of the matter.</p> <p>Hospitals should consider types of litigation (e.g., medical malpractice, commercial, insurance, FCA, employment law, etc.) when determining business need to retain litigation files.</p> |
| Lobbying Reports and Supporting Documentation Activities | Recommendation: Varies | | <p>The applicable retention period will be based on whether the organization engages in City, State, or Federal lobbying. As of the date this guide was finalized, the retention period for New York State lobbying documents was in proposed form.</p> |
| Patient and Visitor Incident Reports | Recommended: 21 years | | <p>The recommended retention period reflect that there may be an associated patient medical record.</p> <p> PATIENT MEDICAL RECORDS pg.4</p> |
| Subpoenas | Recommended: 6 years | | <p>The 6-year recommendation refers to administrative subpoenas. Subpoenas for medical records are typically retained with the medical record. If the hospital is a party to litigation or subject of an investigation,</p> <p> LITIGATION FILES pg.25</p> <p>subpoenas should be retained in accordance with the applicable retention period. The retention period may depend on whether the matter is being handled by outside counsel. Generally, law firms maintain records for 7 years from the end of the matter.</p> |



MEDICAL-STAFF RELATED RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|-----------------|--|
| Educational Affiliation Agreements & Residency Rotation Agreements | Recommended: Active + 6 years, except for those who are referral sources, active + 15 years. | | <p>Hospitals should consider that these agreements may be kept alongside other contracts.</p> <p> CONTRACTS pg.24</p> |
| House Staff & Resident Credentials | Recommended: Active + 20 years | | <p>Hospitals should consider that these records may be associated with personnel files.</p> <p> PERSONNEL DECISIONS/POLICIES pg.10</p> |
| Medical Board, Committee Minutes, and Related Records | Recommended: Varies | | <p>Hospitals should consider operational needs, including the need for an historical record of medical staff governance proceedings. Also, statutes of limitations that may be relevant to the consideration include those applicable to actions for medical malpractice</p> <p> LITIGATION FILES pg.25</p> <p>and breach of contract. Retention periods for the executive committee of the medical staff or full medical board, whichever has final say on recommendations to the hospital's governing body, may be duplicative of and retained longer than individual medical staff committee meetings. Thus, hospitals may retain them longer than committee records.</p> |
| Medical Staff – Rejected Applicant Records | Recommended: Active + 6 years | | <p>Hospitals should consider SOL for actions. The recommended retention period reflects the SOL for certain of those actions related to contracts, fraud, etc.</p> <p> LITIGATION FILES pg.25</p> |





MEDICAL-STAFF RELATED RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--------------------------------|--|---------------------------|--|
| Medical Staff By-Laws | Recommended: Permanent | | |
| Medical Staff Credential Files | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: Active + 20 | 10 NYCRR §405.6(b)(7)(iv) | Many hospitals retain credential files for the working life of the physician (e.g., 50 years). |
| Physician Schedules | Recommended: 6 Years | | Physician schedules may be relevant to a variety of matters, including Stark Law and Emergency Medical Treatment and Labor Act investigations, as well as medical malpractice. |
| | | |  ER LIST OF ON-CALL PHYSICIANS pg.17 |

PROCUREMENT RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|--------------------------------------|-----------------|--|
| Bids Accepted | Recommended: Active + 6 years | | <p>Hospitals should consider that the acceptance of bids is often contained within the resulting contract.</p> <p> CONTRACTS pg.24</p> |
| Bids Rejected | Recommended: 6 years | | <p>The rejection of bids could become an issue in litigation or regulatory enforcement. Bids obtained as part of a grant process may be subject to specific retention requirements.</p> <p> LITIGATION FILES pg.25</p> |
| Purchase Orders & Supply Requisitions (including electronic and paper) | Recommended: Current year + 15 years | | |

REAL ESTATE RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|----------------------|-------------------------------|-----------------|---|
| Building Blue Prints | Recommended: Active + 6 Years | | |
| Deeds | Recommended: Permanent | | |
| Leases | Recommended: Active + 6 years | | <p>Hospitals may want to retain leases with referral sources for a longer period (e.g., 15 years) in light of the statutes of limitations under certain fraud and abuse laws.</p> <p> GOVERNMENT INVESTIGATIONS pg.24</p> <p>Hospitals should also consider SOLs for actions. The recommended retention period reflects the SOL for certain of those related to leases, such as fraud.</p> <p> LITIGATION FILES pg.25</p> |
| Mortgages | Recommended: Active + 6 years | | <p>Hospitals should consider SOLs for actions. The recommended retention period reflects certain mortgage SOLs, such as fraud, assessments, and collections.</p> <p> LITIGATION FILES pg.25</p> <p> GOVERNMENT INVESTIGATIONS pg.24</p> |

WORKPLACE SAFETY RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|--|---------------------------|---|
| Certificates of Completion of Infection Control & Barrier Precaution Training Courses | <ul style="list-style-type: none"> • Legal Minimum: 6 years • Recommended: 21 years | 10 NYCRR §92-1.6 | |
| Employee Accident & Incident Reports | Recommended: 21 years | | |
| Fire Protection | <ul style="list-style-type: none"> • Legal Minimum: 1 year • Recommended: 6 years | 29 CFR §1910.157 | The legal citation refers to retaining records related to the maintenance of portable fire extinguishers for the lesser of 1 year after last maintenance or life of canister. |
| Health & Safety Audiometric Test Record | Legal Minimum: Active + 30 years | 29 CFR §1910.95(m)(3)(ii) | |
| Health & Safety Emergency Action Plans (not specifically mentioned in regulations) | Recommended: Active + 30 years | | |
| Health & Safety Hazardous Employee Exposure | Legal Minimum: Active + 30 years | 29 CFR §1910.1020(d)(ii) | |
| Health & Safety Illness, Injury, or Accident Reports (OSHA Form 301) | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: Active + 30 years | 29 CFR §1904.33 | |
| Health & Safety Noise Exposure Measurements | Legal Minimum: Active + 30 years | 29 CFR §1910.95(m)(3)(i) | |

WORKPLACE SAFETY RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|---|---|---|----------------|
| Material Safety Data Sheets | Legal Minimum: Active + 30 years | <ul style="list-style-type: none"> • 29 CFR §1910.1020(d)(ii)(B) • 40 CFR §68.200 (requires records supporting the implementation of the Environmental Protection Agency's chemical accident prevention provisions be kept for five years) • 40 CFR §68.39 (relates to "offsite consequence analyses") • 40 CFR §68.67 (process hazard analysis) • 42 USC §9612 (claims procedures for Superfund—recovery for costs may be brought within six years; longer for minors and incompetents) | |
| OSHA Form 300A (summary of work-related injuries and illnesses) | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: Active + 30 years | <ul style="list-style-type: none"> • 29 CFR §1904.33 | |
| OSHA Log (OSHA form 300) | <ul style="list-style-type: none"> • Legal Minimum: 5 years • Recommended: Active + 30 years | <ul style="list-style-type: none"> • 29 CFR §1904.33 | |
| Tests for Leakage or Contamination of Sealed Sources (radiation-related) | <ul style="list-style-type: none"> • Legal Minimum: 5 years after the record is made • Recommended: Permanent | <ul style="list-style-type: none"> • 24 Rules of the City of NY §175.03(k)(5) | |

WORKPLACE SAFETY RECORDS

| RECORD | RETENTION PERIOD | LEGAL CITATIONS | CONSIDERATIONS |
|--|--|--|----------------|
| <p>Therapeutic Radiation Machines (including records of all surveys for inspection, reports of acceptance testing, records of calibration and periodic spot checking, and records of maintenance and modifications)</p> | <ul style="list-style-type: none"> • Legal Minimum: Until disposal is authorized by DOH (Records must be retained in an active file until at least the first departmental inspection after the record is generated. Records generated prior to the last departmental inspection may be microfilmed or archived, provided that a complete copy can be retrieved until disposal is authorized by DOH. Records related to individuals receiving instructions, including the instructions, date of the instructions, and the name of the individual providing the instruction, shall be maintained for 3 years.) • Recommendation: Permanent | <ul style="list-style-type: none"> • 24 Rules of the City of NY §175.64(d)(9) | |

NOTES



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