

RETENTION OF RECORDS

How long must a physician retain a patient's medical record?

There are no specific statutory or regulatory requirements for how long a physician must retain a patient's medical record, which would include electronic medical records, except for the following:¹

- A physician must maintain a patient's medical record for at least one year after receipt of an authorization to release the record.
- A physician must maintain a patient's medical record during the pendency of a patient's request either to examine or copy the record or to correct or amend the record.

Because a patient's medical record is essential for the defense of a medical malpractice action, however, the statute of limitations and statute of repose provides some guidance for how long physicians should retain patients' medical records.² See STATUTE OF LIMITATIONS. As a practical guideline, physicians should retain medical records, including electronic medical records, and x-rays for at least:

- 6 years from the date of a patient's death;
- 10 years from the date of a patient's last visit, prescription refill, telephone contact, test, or other patient contact;
- 21 years from the date of a minor patient's birth (applies to both obstetrical records and neonatal/pediatric records);
- Indefinitely if the patient is incompetent or if the physician is aware of any problems with a patient's care or has any reason to believe the patient may sue.

To be absolutely safe, a physician should, if at all possible, retain patients' medical records indefinitely.

In addition, appointment books and computer scheduling records should be retained for at least 10 years. Such records are often the only source of documentation of canceled appointments, no-shows, or other pertinent information about a physician's schedule.

Must records be retained in their original form?

No. The retained medical records do not need to be the original documents so long as the physician can present an accurate reproduction of the original records.³

¹ RCW 70.02.160.

² RCW 4.16.350.

³ RCW 5.46.010.

How long must a hospital retain a patient's medical record?

Under Washington law, a hospital must retain a patient's medical record as follows:⁴

- If the patient is an adult, a hospital must retain and preserve the medical record for at least 10 years following the patient's most recent discharge.
- If the patient is a minor, a hospital must retain and preserve the medical record for at least three years following the minor's 18th birthday, or 10 years following the patient's most recent discharge, whichever is longer.

How long must a private alcohol and chemical dependency hospital retain a patient's medical record?

A private alcohol and chemical dependency hospital must retain a patient's medical record as follows:⁵

- Records of adult patients must be retained and preserved for a minimum of 10 years following the most recent discharge.
- Records of minors at the time of care, treatment, or diagnosis must be retained and preserved for a minimum of three years following the minor's 18th birthday, or 10 years following the patient's most recent discharge, whichever is longer.

How long must a private psychiatric and alcoholism hospital retain a patient's medical record?

A private psychiatric and alcoholism hospital must retain and preserve a patient's medical record as follows:⁶

- Records of adult patients must be retained and preserved for a minimum of 10 years following the most recent discharge.
- Records of minors the time of care, treatment, or diagnosis must be retained and preserved for a minimum of three years following the minor's 18th birthday, or 10 years following the patient's most recent discharge, whichever is longer.

⁴ RCW 70.41.190.

⁵ WAC 246-322-200(7).

⁶ WAC 246-324-200(7).