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**Owner:** Hannah Tilley: HCS Mgr HIM Operations  
**Policy Area:** Health Information Management  
**Policy Tag Groups:**  
**Applicability:** UNCHCS - All except Rockingham, Nash, Lenoir, Wayne

## Retention of the Designated Record Set, the Legal Health Record, and Financial Records

### APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health" in this policy):

✓ UNC Health Care System / UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices / UNC Physicians Group Practices II	✓ Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	Nash Healthcare System/Nash Hospitals
✓ Chatham Hospital	Wayne Memorial Hospital
✓ Caldwell Memorial Hospital	
UNC Rockingham Health Care / UNC Rockingham Hospital	

\*UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).

## I. Description

This policy defines the record retention time periods for patient records maintained in the Epic EHR System and in paper or other electronic formats, including the Designated Record Set (DRS), Legal Health Record (LHR), and certain financial records. It is not intended to cover exclusively clinical research records.

## II. Policy

UNC Health Care System (UNCHCS) and its Affiliates are committed to meeting all requirements for retaining the DRS, LHR and financial records maintained in the Epic EHR System, or in paper or other electronic formats, to remain compliant with state and federal laws and regulations.

## III. Retention Periods

### A. Designated Record Set (DRS)

#### 1. Definition

The Legal Health Record (defined below) and other medical billing, payment, and claims records about individuals maintained by or for an Affiliate and any other records which are used, in whole or in part, by or for the Affiliate to make decisions about individuals. The DRS may be further defined by policy at an Affiliate.

#### 2. Retention Period

- a. Adults: 11 years after last date of patient encounter if no litigation, claim, audit, or official action involving the records has been initiated.
- b. Minors: 12 years after the minor reaches the age of 18, provided the patient is no longer receiving patient care services and no litigation, claim, audit or official action involving the records has been initiated.

### B. Legal Health Record (LHR)

#### 1. Definition

The LHR is defined in ["Legal Health Record."](#)

#### 2. Retention Period

- a. Adults: 11 years after last date of patient encounter if no litigation, claim, audit, or official action involving the records has been initiated.
- b. Minors: 12 years after the minor reaches the age of 18 provided the patient is no longer receiving patient care services and no litigation, claim, audit or official action involving the records has been initiated.

### C. Financial Records

The retention period for financial records is 7 years from the last communication with the patient. However, financial records relating to the submission of an open cost report must be retained until the cost report is closed. To determine whether there is an open cost report, please contact the Affiliate's Reimbursement Department or its equivalent. The financial records that must be retained pursuant to this policy include all records that are necessary to support the cost report.

### D. Records Subject to Litigation, Claim, Audit or Official Action

The retention periods listed above may be temporarily suspended via informal or formal litigation hold procedures instituted by the UNCHCS Legal Department or the Affiliate's Risk Management Department (or its equivalent). Records subject to a litigation hold should not be destroyed unless and until the litigation hold is removed. If unsure of the records' status, consult the UNCHCS Legal Department before destroying any such records.

## IV. References

42 CFR 482.24(b)

10A NCAC 13D .2401

North Carolina Medical Board Position Statement – Retention of Medical Records

Medico-Legal Guidelines of North Carolina

HIMSS Publication – The Legal Electronic Health Record

Comprehensive Accreditation Manual for Hospitals (CAMH) IM 6.20

## Attachments

No Attachments

## Approval Signatures

Step Description	Approver	Date
	David Behinfar: HCS Exec Dir Privacy	07/2020
	Erin Moran-gunter: HCS Exec Dir HIM	07/2020
	Samantha Williams: HCS Dir HIM Operations	07/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	07/2020
	Hannah Tilley: HCS Mgr HIM Operations	07/2020

## Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Pardee Hospital, UNC Health Care System, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare