

Table A-7. State Medical Record Laws: Minimum Medical Record Retention Periods for Records Held by Medical Doctors and Hospitals*

Summary of statutory or regulatory provision by entity.

State	Medical Doctors	Hospitals
Alabama	As long as may be necessary to treat the patient and for medical legal purposes. Ala. Admin. Code r. 545-X-4-.08 (2007). ⁽¹⁾	5 years. Ala. Admin. Code § 420-5-7.10 (adopting 42 C.F.R. § 482.24).
Alaska	N/A	Adult patients 7 years following the discharge of the patient. Minor patients (under 19) 7 years following discharge or until patient reaches the age of 21, whichever is longer. Alaska Stat. § 18.20.085(a) (2008).
Arizona	Adult patients 6 years after the last date of services from the provider. Minor patients 6 years after the last date of services from the provider, or until patient reaches the age of 21 whichever is longer. Ariz. Rev. Stat. § 12-2297 (2008).	Adult patients 6 years after the last date of services from the provider. Minor patients 6 years after the last date of services from the provider, or until patient reaches the age of 21 whichever is longer. Ariz. Rev. Stat. § 12-2297 (2008).
Arkansas	N/A	Adult patients 10 years after the last discharge, but master patient index data must be kept permanently. Minor patients Complete medical records must be retained 2 years after the age of majority (i.e., until patient turns 20). 016 24 Code Ark. Rules and Regs. 007 § 14(19) (2008).
California	N/A ⁽¹⁾	Adult patients 7 years following discharge of the patient. Minor patients 7 years following discharge or 1 year after the patient reaches the age of 18 (i.e., until patient turns 19) whichever is longer. Cal. Code Regs. tit. 22, § 70751(c) (2008).
Colorado	N/A ⁽¹⁾	Adult patients 10 years after the most recent patient care usage. Minor patients 10 years after the patient reaches the age of majority (i.e., until patient turns 28). 6 Colo. Code Regs. § 1011-1, chap. IV, 8.102 (2008).

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State	Medical Doctors	Hospitals
Connecticut	7 years from the last date of treatment, or, upon the death of the patient, for 3 years. Conn. Agencies Regs. § 19a-14-42 (2008).	10 years after the patient has been discharged. Conn. Agencies Regs. §§ 19-13-D3(d)(6) (2008).
Delaware	7 years from the last entry date on the patient's record. Del. Code Ann. tit. 24, §§ 1761 and 1702 (2008).	N/A
District of Columbia	Adult patients 3 years after last seeing the patient. Minor patients 3 years after last seeing the patient or 3 years after patient reaches the age of 18 (i.e., until patient turns 21). D.C. Mun. Regs. tit. 17, § 4612.1 (2008).	10 years following the date of discharge of the patient. D.C. Mun. Regs. tit. 22, § 2216 (2008).
Florida	5 years from the last patient contact. Fla. Admin. Code Ann. 64B8-10.002(3) (2008).	Public hospitals: 7 years after the last entry. Florida Department of State, General Records Schedule GS4 for Public Hospitals, Health Care Facilities and Medical Providers, (2007), http://dhis.dos.state.fl.us/barm/genschedules/GS04.pdf (accessed September 12, 2008).
Georgia	10 years from the date the record item was created. See Ga. Code Ann. § 31-33-2(a)(1)(A) and (B)(i) (2008).	Adult patients 5 years after the date of discharge. Minor patients 5 years past the age of majority (i.e., until patient turns 23). See Ga. Code Ann. §§ 31-33-2(a)(1)(B)(ii) (2008); 31-7-2 (2008) (granting the department regulatory authority over hospitals) and Ga. Comp. R. & Regs. 290-9-7-.18 (2008).
Guam	N/A	N/A

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(continued)

State	Medical Doctors	Hospitals
Hawaii	<p>Adult patients Full medical records: 7 years after last data entry. Basic information (i.e., patient's name, birth date, diagnoses, drugs prescribed, x-ray interpretations): 25 years after the last record entry.</p> <p>Minor patients Full medical records: 7 years after the patient reaches the age of majority (i.e., until patient turns 25). Basic information: 25 years after the minor reaches the age of majority (i.e., until patient turns 43). Haw. Rev. Stat. § 622-58 (2008).</p>	<p>Adult patients Full medical records: 7 years after last data entry. Basic information (i.e., patient's name, birth date, diagnoses, drugs prescribed, x-ray interpretations): 25 years after the last record entry.</p> <p>Minor patients Full medical records: 7 years after the minor reaches the age of majority (i.e., until patient turns 25). Basic information: 25 years after the minor reaches the age of majority (i.e., until patient turns 43). Haw. Rev. Stat. § 622-58 (2008).</p>
Idaho	N/A	Clinical laboratory test records and reports: 5 years after the date of the test. Idaho Code Ann. § 39-1394 (2008).
Illinois	N/A	10 years. See 210 Ill. Comp. Stat. 85/6.17(c) (2008).
Indiana	7 years. Burns Ind. Code Ann. § 16-39-7-1 (2008).	7 years. Burns Ind. Code Ann. § 16-39-7-1 (2008).
Iowa	<p>Adult patients 7 years from the last date of service.</p> <p>Minor patients 1 year after the minor attains the age of majority (i.e., until patient turns 19). See Iowa Admin. Code r. 653-13.7(8) (2008); Iowa Code § 614.8 (2008).</p>	N/A
Kansas	10 years from when professional service was provided. Kan. Admin. Regs. § 100-24-2 (a) (2008).	<p>Adult patients Full records: 10 years after the last discharge of the patient.</p> <p>Minor patients Full records: 10 years or 1 year beyond the date that the patient reaches the age of majority (i.e., until patient turns 19) whichever is longer. Summary of destroyed records for both adults and minors—25 years. Kan. Admin. Regs. § 28-34-9a (d)(1) (2008).</p>

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State	Medical Doctors	Hospitals
Kentucky	N/A	<p>Adult patients 5 years from date of discharge.</p> <p>Minor patients 5 years from date of discharge or 3 years after the patient reaches the age of majority (i.e., until patient turns 21) whichever is longer. 902 Ky. Admin. Regs. 20:016 (2007).</p>
Louisiana	6 years from the date a patient is last treated. La. Rev. Stat. Ann. § 40:1299.96(A)(3)(a) (2008).	10 years from the date a patient is discharged. La. Rev. Stat. Ann. § 40:2144(F)(1) (2008).
Maine	N/A	<p>Adult patients 7 years.</p> <p>Minor patients 6 years past the age of majority (i.e., until patient turns 24). See 10-144 Me. Code R. Ch. 112, § XII.B.1 (2008). Patient logs and written x-ray reports—permanently. 10-144 Me. Code R. Ch. 112, § XV.C.5 (2008).</p>
Maryland	<p>Adult patients 5 years after the record or report was made.</p> <p>Minor patients 5 years after the report or record was made or until the patient reaches the age of majority plus 3 years (i.e., until patient turns 21), whichever date is later. MD. Code Ann., Health–Gen. §§ 4-403(a)–(c) (2008).</p>	<p>Adult patients 5 years after the record or report was made.</p> <p>Minor patients 5 years after the report or record was made or until the patient reaches the age of majority plus 3 years (i.e., until patient turns 21), whichever date is later. MD. Code Ann., Health–Gen. §§ 4-403(a)–(c) (2008).</p>
Massachusetts	<p>Adult patients 7 years from the date of the last patient encounter.</p> <p>Minor patients 7 years from date of last patient encounter or until the patient reaches the age of 9, whichever is longer. 243 Mass. Code Regs. 2.07(13)(a) (2008).</p>	30 years after the discharge or the final treatment of the patient. Mass. Gen. Laws ch. 111, § 70 (2008).

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State	Medical Doctors	Hospitals
Michigan	7 years from the date of service. Mich. Comp. Laws § 333.16213 (2008).	7 years from the date of service Mich. Comp. Laws § 333.20175 (2008).
Minnesota	N/A	Most medical records: Permanently (in microfilm). Miscellaneous documents: Adult patients 7 years. Minor patients 7 years following the age of majority (i.e., until the patient turns 25). Minn. Stat. § 145.32 (2007) and Minn. R. 4642.1000 (2007).
Mississippi	N/A	Adult patients Discharged in sound mind: 10 years. Discharged at death: 7 years. ⁽²⁾ Minor patients For the period of minority plus 7 years. ⁽³⁾ Miss. Code Ann. § 41-9-69(1) (2008).
Missouri	7 years from the date the last professional service was provided. Mo. Rev. Stat. § 334.097(2) (2008).	Adult patients 10 years. Minor patients 10 years or until patient's 23rd birthday, whichever occurs later. Mo. Code Reg. tit. 19, § 30-094(15) (2008).
Montana	N/A ⁽¹⁾	Adult patients Entire medical record—10 years following the date of a patient's discharge or death. Minor patients Entire medical record—10 years following the date the patient either attains the age of majority (i.e., until patient is 28) or dies, whichever is earlier. Core medical record must be maintained at least an additional 10 years beyond the periods provided above. Mont. Admin. R. 37.106.402(1) and (4) (2007).

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(continued)

State	Medical Doctors	Hospitals
Nebraska	N/A	<p>Adult patients 10 years following a patient’s discharge.</p> <p>Minor patients (under 19) 10 years or until 3 years after the patient reaches age of majority (i.e., until patient turns 22), whichever is longer.</p> <p>Neb. Admin. Code 175 § 9-006.07A5 (2008).</p>
Nevada	5 years after receipt or production of health care record. Nev. Rev. Stat. § 629.051 (2007).	5 years after receipt or production of health care record. Nev. Rev. Stat. § 629.051 (2007).
New Hampshire	7 years from the date of the patient’s last contact with the physician, unless the patient has requested that the records be transferred to another health care provider. N.H. Code Admin. R. Ann. Med 501.02(f)(8) (2008).	<p>Adult patients 7 years after a patient’s discharge.</p> <p>Minor patients 7 years or until the minor reaches age 19, whichever is longer.</p> <p>N.H. Code Admin. R. Ann. He-P 802.06(h) (1994).⁽⁴⁾</p>
New Jersey	7 years from the date of the most recent entry. N.J. Admin. Code § 13:35-6.5(b) (2008).	<p>Adult patients 10 years following the most recent discharge.</p> <p>Minor patients 10 years following the most recent discharge or until the patient is 23 years of age, whichever is longer.</p> <p>Discharge summary sheets (all) 20 years after discharge. N.J. Stat. Ann. § 26:8-5 (2008).</p>
New Mexico	<p>Adult patients 2 years beyond what is required by state insurance laws and by Medicare and Medicaid requirements.</p> <p>Minor patients 2 years beyond the date the patient is 18 (i.e., until the patient turns 20). N.M. Code R. § 16.10.17.10 (C) (2008).</p>	<p>Adult patients 10 years following the last treatment date of the patient.</p> <p>Minor patients Age of majority plus 1 year (i.e., until the patient turns 19). N.M. Stat. Ann. § 14-6-2 (2008); N.M. Code R. § 7.7.2.30 (2008).</p>

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(continued)

State	Medical Doctors	Hospitals
New York	<p>Adult patients 6 years.</p> <p>Minor patients 6 years and until 1 year after the minor reaches the age of 18 (i.e., until the patient turns 19). N.Y. Education § 6530 (2008) (providing retention requirements in the definitions for professional misconduct of physicians).</p>	<p>Adult patients 6 years from the date of discharge.</p> <p>Minor patients 6 years from the date of discharge or 3 years after the patient reaches 18 years (i.e., until patient turns 21), whichever is longer.</p> <p>Deceased patients At least 6 years after death. N.Y. Comp. Codes R. & Regs. tit. 10, § 405.10(a)(4) (2008).</p>
North Carolina	N/A	<p>Adult patients 11 years following discharge.</p> <p>Minor patients Until the patient's 30th birthday. 10 A N.C. Admin. Code 13B.3903(a), (b) (2008).</p>
North Dakota	N/A	<p>Adult patients 10 years after the last treatment date.</p> <p>Minor patients 10 years after the last treatment date or until the patient's 21st birthday, whichever is later. N.D. Admin. Code 33-07-01.1-20(1)(b) (2007).</p>
Ohio	N/A	N/A
Oklahoma	N/A	<p>Adult patients 5 years beyond the date the patient was last seen.</p> <p>Minor patients 3 years past the age of majority (i.e., until the patient turns 21).</p> <p>Deceased patients 3 years beyond the date of death. Okla. Admin. Code § 310:667-19-14 (2008).</p>
Oregon	N/A ⁽¹⁾	<p>10 years after the date of last discharge. Master patient index—permanently. Or. Admin. R. 333-505-0050(9) and (15) (2008).</p>

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Table A-7. State Medical Record Laws: Minimum Medical Record Retention Periods for Records Held by Medical Doctors and Hospitals*
(continued)

State	Medical Doctors	Hospitals
Pennsylvania	<p>Adult patients At least 7 years following the date of the last medical service.</p> <p>Minor patients 7 years following the date of the last medical service or 1 year after the patient reaches age 21 (i.e., until patient turns 22), whichever is the longer period. 49 Pa. Code § 16.95(e) (2008).</p>	<p>Adult patients 7 years following discharge.</p> <p>Minor patients 7 years after the patient attains majority⁽⁵⁾ or as long as adult records would be maintained. 28 Pa. Code § 115.23 (2008).</p>
Puerto Rico	N/A	N/A ⁽⁶⁾
Rhode Island	<p>5 years unless otherwise required by law or regulation. R.I. Code R. 14-140-031, § 11.3 (2008).</p>	<p>Adult patients 5 years following discharge of the patient. R.I. Code R. 14 090 007 § 27.10 (2008).</p> <p>Minor patients 5 years after patient reaches the age of 18 years (i.e., until patient turns 23). R.I. Code R. 14 090 007 § 27.10.1 (2008).</p>
South Carolina	<p>Adult patients 10 years from the date of last treatment.</p> <p>Minor patients 13 years from the date of last treatment. S.C. Code Ann. § 44-115-120 (2007).</p>	<p>Adult patients 10 years.</p> <p>Minor patients Until the minor reaches age 18 and the “period of election” expires, which is usually 1 year after the minor reaches the age of majority (i.e., usually until patient turns 19). S.C. Code Ann. Regs. 61-16 § 601.7(A) (2007). See S.C. Code Ann. § 15-3-545 (2007).⁽⁷⁾</p>
South Dakota	<p>When records have become inactive or for which the whereabouts of the patient are unknown to the physician. S.D. Codified Laws § 36-4-38 (2008).</p>	<p>Adult patients 10 years from the actual visit date of service or resident care.</p> <p>Minor patients 10 years from the actual visit date of service or resident care or until the minor reaches age of majority plus 2 years (i.e., until patient turns 20), whichever is later. See S.D. Admin. R. 44:04:09:08 (2008).</p>

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Table A-7. State Medical Record Laws: Minimum Medical Record Retention Periods for Records Held by Medical Doctors and Hospitals*
(continued)

State	Medical Doctors	Hospitals
Tennessee	<p>Adult patients 10 years from the provider's last professional contact with the patient.</p> <p>Minor patients 10 years from the provider's last professional contact with the patient or 1 year after the minor reaches the age of majority (i.e., until patient turns 19), whichever is longer.</p> <p>Tenn. Comp. R. & Regs. 0880-2-.15 (2008).</p>	<p>Adult patients 10 years following the discharge of the patient or the patient's death during the patient's period of treatment within the hospital.</p> <p>Tenn. Code Ann. § 68-11-305(a)(1) (2008).</p> <p>Minor patients 10 years following discharge or for the period of minority plus at least one year (i.e., until patient turns 19), whichever is longer.</p> <p>Tenn. Code Ann. § 68-11-305(a)(2) (2008).</p>
Texas	<p>Adult patients 7 years from the date of the last treatment.</p> <p>Minor patients 7 years after the date of the last treatment or until the patient reaches age 21, whichever date is later.</p> <p>22 Tex. Admin. Code § 165.1(b) (2008).⁽⁸⁾</p>	<p>Adult patients 10 years after the patient was last treated in the hospital.</p> <p>Minor patients 10 years after the patient was last treated in the hospital or until the patient reaches age 20, whichever date is later.</p> <p>Tex. Health & Safety Code Ann. § 241.103 (2007); 25 Tex. Admin. Code § 133.41(j)(8) (2008).⁽⁸⁾</p>
Utah	N/A	<p>Adult patients 7 years.</p> <p>Minor patients 7 years or until the minor reaches the age of 18 plus 4 years (i.e., patient turns 22), whichever is longer.</p> <p>Utah Admin. Code r. 432-100-33(4)(c) (2008).</p>
Vermont	N/A ⁽¹⁾	<p>10 years.</p> <p>Vt. Stat. Ann. tit. 18, § 1905(8) (2007).</p>
Virginia	<p>Adult patients 6 years after the last patient contact.</p> <p>Minor patients 6 years after the last patient contact or until the patient reaches age 18 (or becomes emancipated), whichever time period is longer.</p> <p>18 Va. Admin. Code § 85-20-26(D) (2008).</p>	<p>Adult patients 5 years following patient's discharge.</p> <p>Minor patients 5 years after patient has reached the age of 18 (i.e., until the patient reaches age 23).</p> <p>12 Va. Admin. Code § 5-410-370 (2008).</p>

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Table A-7. State Medical Record Laws: Minimum Medical Record Retention Periods for Records Held by Medical Doctors and Hospitals*
(continued)

State	Medical Doctors	Hospitals
Washington	N/A	<p>Adult patients 10 years following the patient's most recent hospital discharge.</p> <p>Minor patients 10 years following the patient's most recent hospital discharge or 3 years after the patient reaches the age of 18 (i.e., until the patient turns 21) whichever is longer. Wash. Rev. Code § 70.41.190 (2008).⁽⁹⁾</p>
West Virginia	N/A	N/A
Wisconsin	5 years from the date of the last entry in the record. Wis. Admin. Code Med. § 21.03 (2008).	5 years. Wis. Admin. Code Health & Family Services §§ 124.14(2)(c), 124.18(1)(e) (2008).
Wyoming	N/A	N/A ⁽⁹⁾

* = All years are minimum periods (e.g., "at least" 7 years). Chart does not address retention of original x-rays or tracings, which may be subject to other requirements.

Minor = Person under 18 years old unless otherwise noted.

N/A = No statute or regulation found.

Notes: ⁽¹⁾ No statutory or regulatory requirement but state medical board or medical association recommends as follows:

Alabama: At least 10 years. See "Medical Records," available on the website of the Medical Association of the State of Alabama (MASA) at: http://www.masalink.org/uploadedFiles/Practice_Management/policy_Medicalrecords.pdf (accessed September 15, 2008).

California: Indefinitely, if possible. See CMA ON-CALL: The California Medical Association's Information-On-Demand Service, available at http://www.thedocuteam.com/docs/retention_medicalrecords.pdf (accessed August 14, 2008).

Colorado: Adult patients 7 years after the last date of treatment and the records of minor patients 7 years after the last date of treatment or 7 years after the patient reaches the age of 18, whichever is later. See Colorado Board of Medical Examiners, Policy 40-7: "Guidelines Pertaining to the Release and Retention of Medical Records." Available at: <http://www.dora.state.co.us/Medical/policies/40-07.pdf> (accessed September 16, 2008).

Montana: Seven years from the date of last contact with the patient. Birth and immunization records: Until the patient's 25th birthday. See Montana Board of Medical Examiners, Statement on Physician Obligation to Retain Medical Records (2004), available at http://www.mt.gov/dli/bsd/license/bsd_boards/med_board/pdf/patient_medrec.pdf (accessed July 17, 2008).

Oregon: In accordance with Oregon's statute of limitations, at least 10 years after the patient's last contact with the physician. If space permits, indefinitely for all living patients. See Oregon Medical Board, available at <http://www.oregon.gov/OMB> (accessed August 8, 2008).

Vermont: Patient's lifetime if possible. Minors' records: at least until the child reaches age 21 and decedent's records at least 3 years after the patient's death. See *Vermont Guide to Health Care Law*, available at <http://www.vtmd.org/> (accessed September 16, 2008).

⁽²⁾ If a patient dies in the hospital or within 30 days of discharge and is survived by one or more minors who are or claim to be entitled to damages for the patient's wrongful death, the hospital must retain the patient's hospital record until the youngest minor reaches age 28. Miss. Code Ann. § 41-9-69(1) (2008).

- ⁽³⁾ A person under the age of 21 is generally considered a “minor” in Mississippi. However, for purposes of consenting to health care, an “adult” is a person age 18 or older. See Miss. Code Ann. §§ 1-3-27 and 41-41-203(a) (2008).
- ⁽⁴⁾ Hospital licensure rules have expired, but, as of June 2008, they were still in current use by the state Bureau of Licensing & Certification, which licenses health care facilities.
- ⁽⁵⁾ The age of majority in Pennsylvania is 21. See 1 Pa. Cons. Stat. § 1991 (2008). However, minors over 18 may consent to health services in their own right. See 35 Pa. Cons. Stat. § 10101 (2008).
- ⁽⁶⁾ Based only on statutes, not on regulations, which currently are published only in Spanish.
- ⁽⁷⁾ The period of election is the time during which a person may elect to bring a law suit for malpractice that occurred while the patient was a minor, generally a maximum of 1 year after the minor reaches the age of majority. See S.C. Code Ann. § 15-3-545 (2007).
- ⁽⁸⁾ The physician may not destroy medical records that relate to any civil, criminal, or administrative proceedings unless the physician knows the proceeding has been finally resolved. 22 Tex. Admin. Code § 165.1(b) (2008); Tex. Health & Safety Code Ann. § 241.103 (2007); 25 Tex. Admin. Code § 133.41(j)(8) (2008).
- ⁽⁹⁾ Must maintain a record of a patient’s health care information: for at least 1 year following receipt of authorization to disclose that health care information; and during the pendency of a request for examination, copying, correction, or amendment of that health care information. Wash. Rev. Code § 70.02.160 (2008); Wyo. Stat. Ann. § 35-2-615 (2008).