

How long should I retain my patients' medical records in Alabama?

In general, medical records should be maintained for the period of time as may be necessary to treat the patient. Specifically how long records must be kept is determined by the type of the record and certain state or federal legal requirements. The issue of how long medical records should be retained is a difficult issue to answer definitively. Under the Alabama Medical Liability Act, professional liability claims are barred after four (4) years. Thus, from a risk management perspective, physicians should maintain patient records for a minimum of four (4) years and preferably for at least six (6) years. However, depending upon the nature of services provided by the physician, inquiry should regularly be made with the appropriate state and/or federal regulatory authorities. Indeed, this is a constantly changing area in which at least an annual inquiry with applicable state and/or federal regulators is well advised. For example, as to hospital records, the Alabama Department of Health revised its mandate for record retention from twenty-two (22) years to five (5) years. On the other hand, the American Hospital Association currently recommends that hospital records be maintained for a period of ten (10) years. Physicians who provide Medicare treatment should inquire as to the current provisions regarding record retention by Medicare as a part of its Conditions of Participation. Generally, such records must be retained five (5) years. Also, those physicians who treat children should retain records for their patients for at least four (4) and preferably six (6) years after the patient reaches the age of majority. Immunization records must always be retained. Based upon the current guidelines and practices, the chart below provides suggested record retention policies.

Type of Record	Suggested Retention
All Hospital Records	6 years after discharge
Hospital records of patient with multiple admissions	6 years after most recent discharge
Hospital records of minor patient at time of discharge	Until patient reaches 24 years of age
General medical office records	10 years after last visit or discharge
Medical office records of minors	10 years after last visit or discharge
X-rays	10 years after last visit or discharge and/or as long as the medical record
Superbills	Contact accountant regarding retention for tax purposes. Any medical information documented on the superbill should be documented in the record as well. If information documented on the superbill is not included in the medical record, then the superbills would need to be retained as long as the medical record.
Office records for deceased patients	Minimum of 10 years
Immunization	Indefinitely
Medicare/Medicaid	10 years after last visit or discharge

Medical Records should be kept indefinitely for the following situations:

- When there is a less than desirable outcome;
- When patients are unhappy with results; and
- Anytime a patient threatens or files a lawsuit.