

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

In **Florida**, the length of time a physician should retain his or her patients' medical records varies according to the type of medical records, reason for their disposition and their potential use. In general, we recommend that medical records be retained for at least 12 years after a patient's last visit or treatment.

By statute, the general rule is that medical records should be kept for a period of 5 years after the last patient contact. However, the state statute specifically requires physicians to retain medical records as long as needed to protect and serve patients as well as to protect against malpractice actions filed after the termination of the physician-patient relationship. Community standards, individual practice settings and specific patient needs may require longer record retention periods.

Medical records should be retained for at least 2 years after a physician's death, termination of practice, or relocation.

Florida's Statute of Repose, housed within the Statute of Limitations, provides that certain medical malpractice lawsuits can be filed up to 7 years from the date of the alleged negligent conduct. Therefore, the mandatory 5 year record retention period could end before a medical malpractice lawsuit is even filed. As such, we recommend that medical records be kept for 10 years after a patient's last visit or treatment date.

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