

### ***How long should I retain my patients' medical records in South Carolina?***

How long records must be kept is determined by the type of record and other specific legal requirements.

South Carolina law requires practitioners to maintain an adult patient's records for a minimum of ten (10) years following the last date of the treatment. S.C. Code Ann. § 40-115-120. In the case of a patient who is a minor, the physician is required to maintain records for a minimum of thirteen years. S.C. Code Ann. § 40-115-120.

<b>Type of Record</b>	<b>Required Retention</b>
General Medical Office Records for an Adult	10 years after the last encounter
General Medical Records of a Minor	13 years after the last encounter

Medical records should be kept indefinitely for situations:

- with less than desirable outcomes;
- when patients are unhappy with results; and
- any time a patient threatens or files a lawsuit.

**Note:** Generally the statute of limitations for filing a medical malpractice action by an adult patient is three (3) years. However, when a foreign object has been left in a patient's body, the patient has the greater of two years from the date the foreign object is discovered or reasonably should have been discovered or three years from when the placement of the foreign object occurred, to file a lawsuit. S.C. Code Ann. § 15-3-545. Please refer to the Legal Section of the Handbook for more details on the Statute of Limitations.

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